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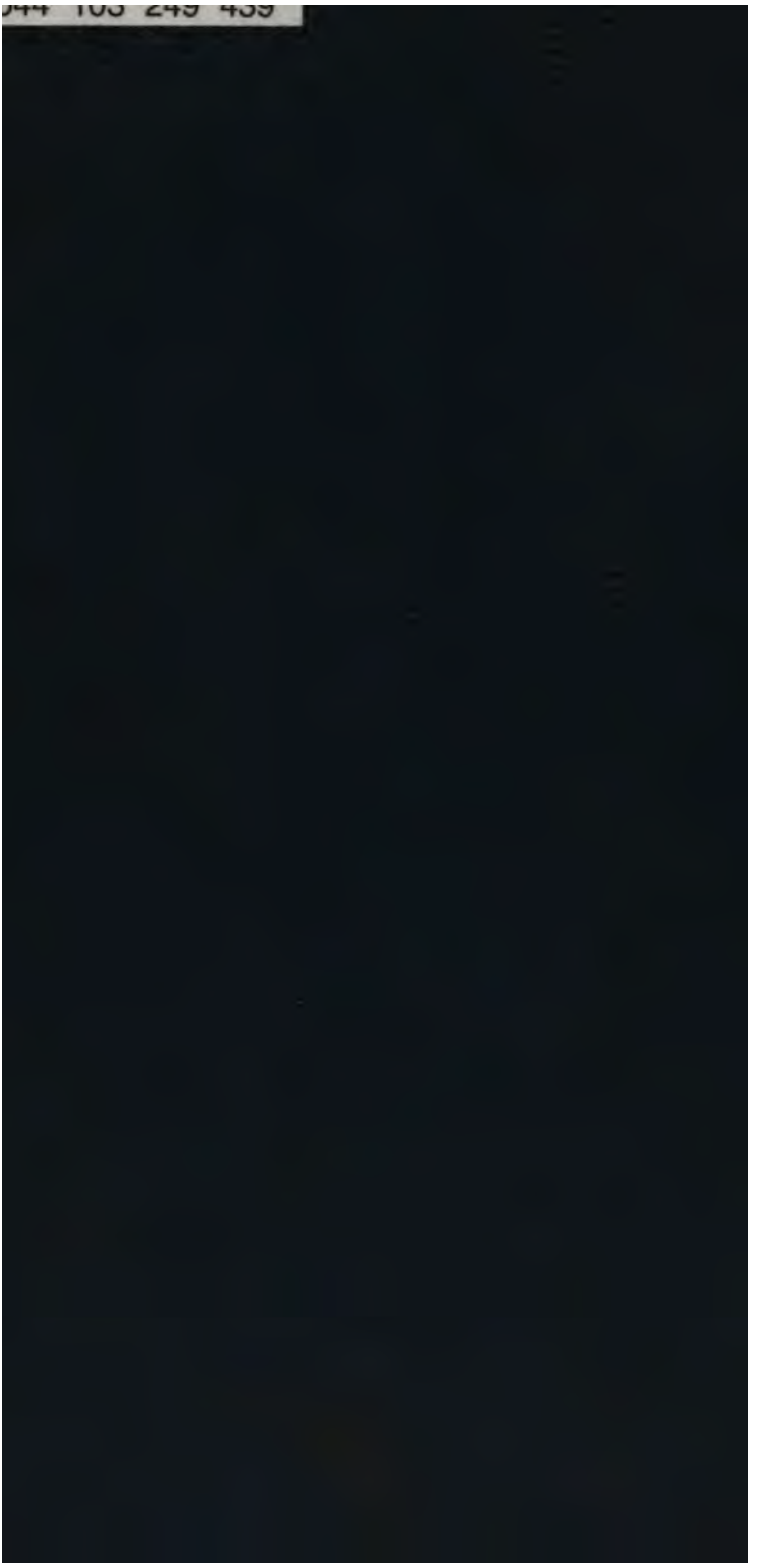

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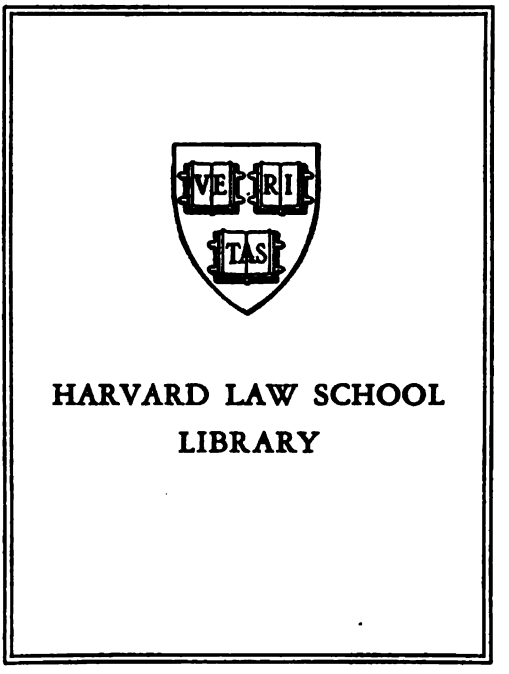

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50TH CONGRESS, 2d Session. | SENATE. | EX. DOC. No. 146.

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MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

REPORT ON THE BOUNDARY LINE BETWEEN ALASKA AND BRITISH COLUMBIA.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1889.

50TH CONGRESS, 2d Session. | SENATE. | Ex. Doc. No. 146.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

Report on the boundary line between Alaska and British Columbia.

MARCH 2, 1889.—Read and referred to the Committee on Foreign Relations and ordered to be printed.

To the Senate and House of Representatives:

I herewith transmit a report of the Secretary of State, and accompanying documents, relative to the undetermined boundary line between Alaska and British Columbia.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, March 2, 1889.

To the President:

The Secretary of State has the honor to submit herewith for transmission to Congress certain documents and maps relating to the undetermined boundary line between Alaska and British Columbia.

During the session of the fisheries conference of 1887–'88 in this city, it was suggested that an informal consultation between some person in this country possessing knowledge of the questions in dispute and a Canadian similarly equipped might tend to facilitate the discovery of a basis of agreement between the United States and Great Britain upon which a practicable boundary line could be established.

To this end several interviews were held in this city between Prof. W. H. Dall, of the U. S. Geological Survey, whose geographical and geological explorations in Alaska have associated his name with that Territory, and Dr. George M. Dawson, an eminent Canadian authority on the same subject.

Professor Dall's and Dr. Dawson's accounts of these conferences is herewith submitted, together with other documents, including a letter of Dr. Dawson to Sir Charles Tupper on the boundary question, a memorandum by Professor Dall on the same subject, and also a supplementary memorandum by him on certain views of Maj. Gen. D. R. Cameron, as submitted in the letter of Dr. Dawson above referred to.

These documents are considered of value as bearing upon a subject of great international importance, and should be put in shape for public information.

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Accuracy being essential in the reproduction of the maps now inclosed, it is respectfully recommended that it be accomplished by photographic process.

Respectfully submitted.

T. F. BAYARD.

DEPARTMENT OF STATE,
Washington, March 2, 1889.

INCLOSURES.

1. Mr. Dall to Mr. Moore, January 3, 1888.
2. Mr. Dawson to Sir Charles Tupper, February 7, 1888.
2*a*. Same to same, February 11, 1888.
3. Mr. Dall to Mr. Bayard, February 13, 1888.
4. Same to same, December 19, 1888.
5. Memorandum on the Alaskan boundary, by William H. Dall, A. M.
6. Supplementary memorandum on the views of General Cameron as submitted in the letter of Dr. George M. Dawson to Sir Charles Tupper, by William H. Dall.
7. Convention between United States and Russia, April 5–17, 1824.
8. Anglo-Russian treaty, 1825.
9. American-Russian treaty, 1867.
10. Two tracings by the Coast Survey showing the features of the region on the north shore of Portland Inlet near its mouth.
11. British Admiralty Chart, No. 2431, showing the latest British survey of Portland Inlet.
12. Chart 3 of French edition of Vancouver of 1799; covering region north of the 45th parallel of latitude.
13. Chart 7 of same, covering territory between parallels 54° and 57° north latitude.
14. Official Canadian map of British Columbia, 1884.
15. Dawson's Canadian map, 1887.
16. Dawson's Canadian map, 1887, showing conventional lines proposed by Canada.
17. Canadian map, January 23, 1888.

No. 1.

Mr. Dall to Mr. Moore, Third Assistant Secretary of State.

SMITHSONIAN INSTITUTION,
Washington, D. C., January 3, 1888.

DEAR SIR: In pursuance of your request for suggestions bearing on the question of the Alaskan boundary, I beg leave to submit the following facts and observations upon them.

The coast of southeastern Alaska is the valuable part of that region. It has a climate modified by the ocean so as to be comparable with that of Ireland, water-ways reaching all parts of it, and making accessible its mines, fisheries, timber, and remarkable Alpine scenery.

The "sea of mountains" eastward from the general line of the coast is broken by rivers, giving passage to the interior only at the head of Lynn Canal, at the Taku and Stikine Rivers, and at the head of the Portland Canal. West of Lynn Canal, the Alps form an impassable barrier until we come to the Copper or Atna River, which heads west of the one hundred and forty-first meridian, in American territory, and is therefore outside of the limits necessary to be now considered.

The country even 2 or 3 miles inland from the coast has a totally different and subarctic climate, and is of value only for its rich but very limited placer mines. There are doubtless quartz mines, and there is timber, but commercially inaccessible, and therefore practi-

cally valueless. The placers of the Stikine basin are now about exhausted. The Taku basin is small and very alpine. The present attention of miners is chiefly devoted to the placers reached near the Yukon by the portage from the head of Lynn Canal. Doubtless the basin of the Upper Yukon, though larger than the others, is limited, and will in a few years be exhausted of its placer gold, as the others have been, when for all practical purposes this interior region will be entirely valueless, as it affords few furs, and not game enough to support a large body of hunters. Even explorers have found it difficult to support life there, in parties of less than a dozen.

It has seemed to me that the necessities of the case, either with or without a treaty, would be well met by a plan embodying the following ideas, it being perfectly well known that the boundary specified in the existing treaty was formulated on a mistaken assumption as to facts, and is impossible to determine by survey.

A line which can be most easily surveyed, and which the average prospector could recognize without difficulty, and which would follow the spirit of the old treaty more nearly than any other, while modifying its expression, could in my opinion be obtained in the following manner:

Let a point be determined on each of the four passage ways into the interior—Chilkoot, Taku, Stikine, and Observatory (or Portland) Inlet Rivers—at ten marine leagues (or any other mutually satisfactory) distance from the coast. Then let the territory drained by branches coming into these rivers seaward of this point (which should be shown by a permanent monument) belong to the United States; that drained by streams coming in eastward of the monument be British. The boundary would follow the water parting, between the two. At Portland Inlet and at the head of Lynn Canal the divide between the interior and coast water-sheds should form the line. This would be easy of definition, as the pass is narrow and the ridge sharp and distinct. It would give the United States a little useless territory on the headwaters of the Chilkat River and take a little away from them on the Chilkoot River, judged by the present theoretic boundary. This would reduce the positions requiring careful astronomical determination to three, namely, the inception of the boundary line at the head of Portland Inlet, and the two monuments on the Taku and Stikine respectively.* This reduction would probably save a season's work, and corresponding expenses, as the climate is unfavorable for astronomical work.

The advantages of the above plan are, first, any man can determine for himself on which side of the boundary he is without any instrument except his eyes. There can be no question as to the water parting in the sharply broken topography of the region; it will speak for itself. As the rivers and their valleys are the sole roads, no man can plead ignorance of the fact when he reaches the boundary monument, and any doubt, away from the river, can be solved in an hour by following the nearest brook to the stream of which it is the tributary.

In general, I suppose that the survey which would be necessary could be much more easily carried out than in any other project, as the whole could be done by a meander of the streams, and by very few streams, except fixing the monuments. If the methods in use by the Geological or Coast Survey parties on reconnaissance work were adopted, and the practiced topographers of either organization put at it (and the Dominion Geological Survey is equally well prepared), the whole line from Chilkat to Taku, Stikine and Observatory or Portland

Inlet could be run in two or three seasons, at most, by about four parties, and at an expense to the United States (existing agencies being utilized) of probably not more than $125,000 in all. By military methods and men the work would take twice as long, and would cost at least half a million dollars. In regard to this matter of expense, I speak advisedly, having regard to estimates already furnished by military authorities.

The United States, if the river monuments were fixed at the present treaty limits of 10 marine leagues from the coast, would probably lose territory theoretically, since the 10 leagues line carried along as on the Coast Survey map of Alaska (1884) probably extends farther inland than the headwaters of many of the inland streams. But this loss would amount to nothing, as the region is inaccessible except from the British side, and practically worthless.

On the other hand, the plan proposed is more in accord with the spirit of the present unrealizable treaty than any other which occurs to me, and far more easy of determination than any plan I have ever heard suggested.

As to the strip of country between the one hundred and forty-first meridian and the head of the Chilkat River, it is perfectly inaccessible from the coast except by way of the Atna and Chilkat Rivers. It might well be left alone for many years to come, or settled by taking the summit of the St. Elias Alps, everywhere visible from the ocean, which no man has yet reached, much less scaled, but which could be united by a set of great triangles from the head of the Chilkat and along the coast of the Pacific from Fairweather Peak to Mount St. Elias.

Very respectfully, yours,

WM. H. DALL.

N. B.—This letter should be read in connection with the Coast Survey map of Alaska, published in 1884, which, though defective in later data elsewhere, is essentially the most accurate as regards the region involved.

No. 2.

Dr. Dawson to Sir Charles Tupper.

WASHINGTON, D. C. *February* 7, 1888.

SIR: One of the principal difficulties met with in arriving at any reasonable conventional line of boundary between the coast strip of Alaska and the adjacent portion of the Dominion of Canada may be that arising from an erroneous notion with respect to the width of that strip, which has been loosely indicated on many maps as a belt of country 10 marine leagues in width, while, as a matter of fact, in the language of the convention, 10 marine leagues is given merely as an extreme width to which under certain conceivable circumstances the coast strip might in some places be allowed to attain. The actual language of the convention in the original version is as follows:

A partir du point le plus méridional de l'île dite *Prince of Wales*, lequel point se trouve sous la parallèle du 54me degré, 40 minutes de latitude nord, et entre le 131me et le 133me degré de longitude ouest (méridien de Greenwich), la dite ligne remontera au bord le long de la passe dite *Portland Channel* jusqu'au point de la terre ferme où elle atteint le 56me degré de latitude nord; de ce dernier point la ligne de démarca-

tion suivra la crête des montagnes situées parallèlement à la côte, jusqu'au point d'intersection du 141me degré de longitude ouest (même méridien), etc.

Que partout où la crête des montagnes, qui s'étendent dans une direction parallèle à la côte depuis le 56me degré de latitude nord au point d'intersection du 141me degré de longitude ouest, se trouverait à la distance de plus de dix lieues marines de l'océan, la limite entre les possessions Britannique et la lisière de côte mentionnée ci-dessus, comme devant appartenir à la Russie, sera formée par une ligne parallèle aux sinuosités de la côte et qui se pourra jamais en être éloignée que de dix lieues marines.

The use of the expression *lisière de la côte*, it is submitted, shows that nothing more was stipulated for than a *point d'appui* for Russia on the main-land coast, and the known circumstances which led to the conclusion of the convention afford additional evidence that this was all that Russia desired or Great Britain intended to give.

The definition of the *lisière* by a line following *la crête des montagnes situées parallèlement à la côte*, is precisely that which would be adopted as the most convenient on an examination of Vancouver's charts and descriptions of the coast, which were at the time the best available. These charts show, by strictly conventional and arbitrary signs, that a mountainous country extends inland from the coast for a considerable distance. The fact alone that these conventional mountain features are not even similarly placed on the corresponding portions of Vancouver's overlapping charts, must have been sufficient to show that no dependence could be placed on them. The only line of mountains which is practically identical on the various charts, and the existence of which could be confirmed by reference to Vancouver's detailed description, is that which is represented as everywhere rising immediately from the coast and which borders upon the sea. It is therefore to the summits of these mountains immediately bordering the coast that the words of the convention must be understood to refer. Only in the case of the absence of mountains is the 10 marine league limit admissible, and then under certain conditions, for general parallelism with the coast is also essential.

It was no doubt in consequence of the distinctly conventional mode of representation of the mountains on Vancouver's charts, and the necessary inference that they did not accurately represent the facts, that the limiting clause was inserted in the convention.

Such a line as that which it is believed was intended is by no means impossible of survey, nor should it even be very difficult to define, as the summits of the mountains are, as a matter of fact, found to be everywhere visible from the coast, and are probably at an average distance of considerably less than 5 miles from it.

In respect to the important question as to what is intended by the expression *la côte*, Maj. Gen. D. R. Cameron's views, as expressed in a report on this point, may be substantially adopted, as follows:

In the second clause of the fourth article provision is made for the case of the mountains being found at more than 10 marine leagues inland, and it is there laid down that the measurements shall be made not from inlets but from the ocean.

The convention stipulates—

Que partout où la crête des montagnes, qui s'étendent dans une direction parallèle à la côte * * * se trouverait à la distance de dix lieues marines de l'océan * * * la limite * * * sera formée par une ligne parallèle à la côte, et qui se pourra jamais en être éloignée que de dix lieues marines.

The word ocean is wholly inapplicable to inlets; consequently the the line, whether marked by mountains or only by a survey line, has to be drawn without reference to inlets.

Had it not been so clearly provided against by express stipulation in the second clause of the fourth article of the convention and by

the accepted principles of international law, it might, in the case of the absence of mountains, be agreed that the *lisière* should be measured from the sea-water's edge, wherever—in inlet or elsewhere—it outlined the continent; and that this being the coast line where no mountains exist within 10 leagues, is equally the coast line whence to determine the mountains *nearest to the coast.*

But, as said above, inlets, in either alternative, the occurrence or non-occurrence of mountains within 10 leagues, are not part of the coast-line determining the boundary.

None of the inlets between Portland Channel and the meridian of 141° west longitude are 6 miles in width, excepting, perhaps, a short part of Lynn Canal; consequently, with that possible exception, the width of territory—on the coast assigned under the convention to Russia—may not be measured from any point within the mouths of the inlets. All the waters within the mouths of the inlets are as much territorial waters, according to an universally admitted international law, as those of a fresh-water lake or stream would be under analogous circumstances.

As far as non-mountainous country may extend, but within 10 marine leagues of the ocean, the inlets are in fact included by the convention within *la lisière de côte mentionnée ci-dessus comme devant appartenir à la Russie.*

On the other hand, so much of these inlets as happen to be in mountainous territory, or beyond 10 marine leagues from the ocean, together with the dry land about them, is assigned to Great Britain as much as are rivers and lakes in the same regions.

Nothing short of an express stipulation to the contrary effect would, it is conceived, serve to maintain the proposition that inland waters in the *lisière de côte* assigned to Russia were not part and parcel of that *lisière.* But if they were really part and parcel of the *lisière* itself, their mere existence can not possibly be a reasonable foundation for arguing that they involve an increase of the breadth of the *lisière* of which they are component parts.

The limits of the *lisière* are by the convention expressly dependent on the relative positions of ocean line and neighboring mountain line. The only reference to inlets in the convention (Art. VII) is in a form almost directly declaratory of assent to the doctrine of territorial authority over them.

If the sovereignty over inlets does not pass in accordance with the doctrine that they are part and parcel of the surrounding territory, there was no occasion for the reciprocal concession made in the seventh article for right to navigate these inlets.

Regarded from this point of view rivers and inlets are identical. As reasonable, then, would it be to hold that under the convention the breadth of the *lisière* assigned to Russia is determined by the head-waters of its rivers as that the head waters of its creeks and inlets regulate its breadth.

With further reference to the position of the boundary as provided for by the convention, it may be stated that the contention has been advanced by the government of British Columbia, that the words "dite Portland Channel," in Article III, are palpably erroneous, and not in conformity with the detailed description of the course of the line, on the following grounds:

The portion of the article in question reads:

A partir du point le plus méridional de l'île dite *Prince of Wales* * * * la dite ligne remontera au bord le long de la passe dite *Portland Channel* jusqu' au point de la terre ferme où elle atteint le 56^{me} degré de latitude nord, etc.

Now to reach the entrance of Portland Channel from the point first defined the line must run about 50 miles east instead of north, and, moreover, by ascending Portland Channel it can not strike the main-land in latitude 56 degrees north, as the channel terminates before reaching this latitude, and was known so to terminate at the time of Vancouver's survey.

If, however, the name only of Portland Channel be omitted, and the directions given be precisely followed, the line will ascend Clarence Strait and reach the main-land at the stated latitude and by the stated course. The several directions with respect to the line of boundary may, it is argued, be considered as more authoritative than the single mention of Portland Channel.

Apart from the above contention of the British Columbian government, it is at least certain that if the line of boundary was intended to follow Portland Channel it was the channel so named by Vancouver, the lower part of which channel passes to the north of Wales and Pierce Islands of recent charts. The line has been erroneously shown on many maps as running to the the south of these islands along part of Observatory Inlet of Vancouver, in consequence of a confusion of nomenclature in the region which, it has been ascertained, first occurred on an admiralty chart published in 1853, and which has thereafter been followed and copied on other charts and maps.

It would appear, in view of all the facts, that some interchange leading to a consolidation of territory would form a mutually advantageous solution of the boundary question; but that if this can not be agreed upon it is probable that a conventional line following as nearly as possible the description of the treaty might be arrived at.

I have the honor to be, sir, your obedient servant,

GEORGE M. DAWSON.

No. 2*a*.

Dr. Dawson to Sir Charles Tupper.

WASHINGTON, D. C., *February* 11, 1888.

SIR: Having had, as arranged, several informal conferences with Mr. W. H. Dall on the subject of the boundary-line between Alaska and the neighboring part of the Dominion of Canada, with the purpose of arriving, if possible, at some conventional line which might be recommended as advantageous to both countries, I have the honor to make the following report on the result of my conversation with Mr. Dall:

On previous careful consideration of the subject, which I had investigated to some extent on the ground, it appeared to me probable that some reciprocal concession in respect to territory tending toward consolidation of the regions under the respective Governments, would afford the most satisfactory basis for the selection of a conventional line of boundary; the advantage of such territorial rearrangement being particularly apparent in regard to the development of the region on both sides and the facility of its administration.

I found, however, that Mr. Dall was not disposed to regard with favor any suggestion which would involve the cession of any part of the coast line of Alaska, and should this view be maintained it must entirely prevent a fully satisfactory re-arrangement of boundary, how-

ever desirable it might in other respects be to both countries, as the actual conditions render it impossible for the United States to offer any other territorial equivalent which would be of value.

Failing any such re-arrangement of territorial rights, it would seem (and I believe I may say that Mr. Dall and myself are in agreement on this point) that a conventional line might be adopted, which, while nearly agreeing with that described in the treaty, would prove more convenient and less costly of survey than it. The divergence which still exists between Mr. Dall's views and my own on this subject arises, I believe, entirely from a difference of opinion as to the meaning of the wording of the treaty itself, and this divergence does not so much affect the character of a conventional line as its distance from the coast, which would require to be regulated in conformity with the interpretation which may be given to the treaty with respect to its definition of the width of the coast strip.

Conventional lines of two kinds in particular have been discussed by us at some length, and while there is much to be said in favor of each, and either might be made the basis of an agreement, it appears to me that that which is entitled below "Conventional line No. 2" would prove to be the most satisfactory and the least expensive to fix on the ground.

The lines referred to may be thus described.

Conventional line No. 1.—A series of straight lines drawn between certain determined fixed points and running in approximate parallelism with the general trend of the coast. Such lines would be portions of arcs of great circles. The fixed points would require to be prearranged, and after being marked by suitable monuments, their positions relating to each other might be astronomically determined with sufficient accuracy for the purpose of calculating the directions of connecting lines, thus avoiding the necessity of an expensive triangulation survey for this purpose. The points which I should propose as fixed points are situated on Portland Channel, the Stikine, Taku Inlet, and the heads of Lynn Canal. We are already in possession of information sufficient to enable us to define these points.

Conventional line No. 2.—A line starting from certain specified fixed points such as those above described and similarly situated on the inlets named and on the Stikine River; the territory drained by streams debouching to the seaward of the fixed points to belong to the United States; that drained by streams debouching on the opposite or inland side of the fixed points to belong to Canada; it being, however, further provided that in event of the boundary thus determined reaching a certain specified distance from the coast, it shall then follow a straight line with a prescribed course for such distance as the streams may be found to rise on the inland side of such line.

A boundary thus drawn would practically follow the crests of mountain ranges for the greater part of its entire length, while it would be prevented from attaining an inconvenient inland extension by the prescribed limiting lines. The courses of these limiting lines might be stated with sufficient precision from our present knowledge of the region, and should in such case be approximately parallel to the main trend of the opposite coast.

In the event of the adoption of a conventional line of either the first or second kind, it would of course be necessary to prepare a detailed description of it.

In the case of either line I would suggest that the boundary, from the

point at which it would leave Lynn Canal, should run in a direct course (preferably a latitude line) westward to the St. Elias Alps; thence to follow the summit of these mountains to the one hundred and forty-first meridian.

Neither of the lines would require to be delineated throughout on the ground at the present time unless so specially desired. It would be sufficient to erect permanent monuments at the fixed points and to ascertain and define the places at which the line crosses rivers and other avenues of communication. That part of the line which would follow the St. Elias Alps might well be marked, as suggested by Mr. Dall, by the mountains' summits themselves united by a series of great triangles. This lofty chain of mountains, though everywhere visible from the coast, is practically inaccessible.

If objection should be taken to placing the fixed points by which either of the above conventional lines would be determined in such positions on Portland Channel, Taku Inlet, and the heads of Lynn Canal as to give Canada a foothold at the heads of these inlets as means of access to the interior, I should consider it advisable to revert to the treaty boundary which, though no doubt requiring expensive surveys, is not impossible of realization.

Additional surveys of the region through which the boundary must run might possibly result in enabling some line of greater mutual advantage than either of those above outlined to be indicated, but I believe that a line which would practically meet the requirements of the case might even now be adopted, while delay will add to the difficulty met with in regard to a conventional line by allowing private interests of one kind or another to become involved in the case.

Should, however, no such line be determined on at the present time, I would respectfully suggest that, waiving for the moment any territorial claims under the treaty, some mutual understanding might be entered into by which criminals from the interior may be carried out to the coast, and thereafter to Victoria or elsewhere for trial; also, that in view of the fact that no duties are at present collected on goods entering the Canadian territory on the headwaters of the Yukon, whether they do so by the main stream or by the Chilkoot Pass, that by a similar temporary waiving of claims, goods from the Dominion of Canada in transit, in the hands of *bona fide* miners, should be permitted to pass without customs formalities to the head of Lynn Canal and over the pass. This appears to be the more desirable as the miners are generally men of small means; the cost of transport over the pass is very great, and the necessary hardships suffered considerable, while their work in prospecting, exploring, and mining all aids in the development of the resources both of Alaska and the neighboring portions of the Dominion.

In conclusion I may be allowed to draw attention to the fact that although the free right of navigation for purposes of commerce of the Yukon and Porcupine by the subjects of both countries is provided for by treaty, there appears to be a doubt whether this provision includes the right to cut and collect wood for purposes of navigation by steamers, and that a rule might be established granting equal privileges on both sides in this respect.

I have the honor to be, sir, your obedient servant,

GEORGE M. DAWSON.

No. 3.

Mr. Dall to Mr. Bayard.

SMITHSONIAN INSTITUTION,
Washington, February 13, 1888.

SIR: I have the honor to report that the suggested informal conference between Dr. George M. Dawson, of Ottawa, Canada, and the writer has been held. Dr. Dawson and myself conferred on several occasions (February 4–11) and discussed matters connected with the Alaska boundary question freely and informally.

It was mutually announced and agreed that the meeting was entirely informal; that neither party had any delegated powers whatever, and that its object was simply the arrival at a consensus of opinion as to some reasonable and business-like way of settling upon a line satisfactory to both countries, and the most practicable means of demarkating the line if one was accepted. It was thought that if Dr. Dawson and myself could unite in recommending some plan as practicable, that opinion or plan would be entitled to some consideration, from the fact that both of us are tolerably well acquainted with the nature of the country and its exploration.

In considering those points to which, in his opinion, Canadian interests give prominence, Dr. Dawson referred to—

(1) Freedom of intercourse as between the channels and inlets of Alaska and the British territories of the interior, for British subjects and their vessels, boats, or other means of transportation, especially on the Stikine and Taku Rivers and the portage at the head of Chilkoot Inlet.

Also, for American citizens, between the latter point through British territory to the Yukon River in Alaska, west of the one hundred and forty-first degree of west longitude from Greenwich; since there is no doubt that, by this route, intercourse with the Upper Yukon country is more easy than by any other route.

(2) This freedom of intercourse for Canada, Dr. Dawson thought, should include the mutual concession of the right of river steamers flying either flag to cut wood for fuel from the river banks of either territory, which by the letter of the law is now illegal even for American citizens in Alaska Territory. It should include the right or concession of the right of navigating the salt-water channels and so-called inland passages of the coast archipelagos and inlets in British Columbia and in Alaska, respectively, by the citizens of the United States and subjects of Great Britain.

There is no doubt that the navigation of these coast and territorial waters might be wholly or partly withheld by either power from the citizens and vessels of the other; thus materially curtailing or rendering nugatory the conceded right to navigate the navigable rivers which extend beyond the boundary into British territory, for Great Britain, and obliging vessels of the United States, bound for ports in Alaska, to take the exposed "outside passage" between the Straits of Fuca and the territorial waters of Alaska.

(3) It would be desirable also that the transit of British miners from the coast over, for instance, the Chilkoot portage for the purpose of mining in British territory, where the passage has to be made by land, should not be impeded by the levying of customs duties on their outfit and provisions by the United States at the coast, nor should a like impediment affect American goods passing through British territory on the

Upper Yukon in their transit from the coast to that part of the Yukon west of the one hundred and forty-first degree of west longitude from Greenwich, for use at American trading posts in Alaska Territory.

(4) The right of Canadian sheriffs (or equivalent officers of the law) to bring alleged criminals from the British territory in the interior and hold them in custody through the coast strip belonging to the United States and in the territorial waters of Alaska, while in transit to British Columbia for trial, is one which (under suitable regulations) might well be conceded in the interest of morals and good government.

To arrive at a state of affairs by which the above mutual concessions should be most easily managed (and waiving temporarily a construction of the treaty by which General Cameron and others for Great Britain have contended that the heads of the inlets are already British territory) Dr. Dawson is of the opinion that the best way is to so arrange a conventional boundary line as to include some concessions by the United States on the coast, and, if a *quid pro quo* is thought necessary, he suggested a cession by Great Britain to the United States of part of the interior; as, for instance, the triangular region in British territory south and west from the Upper Yukon, and between it and the present Alaskan boundary.

From this I felt compelled to dissent, considering that the mutual concessions desired might be reached by convention or treaty without cession of territory by either party, and that such an exchange as suggested, especially at the heads of inlets, would cut southeastern Alaska into two or three pieces, separated by belts of British territory, with all the inconveniences, legal and sentimental, which that implies. Also, it is my opinion that no amount of the subarctic interior would form an equivalent to the United States for any part of the coast; and I gathered from Dr. Dawson that he also believed that no amount of the same sort of territory now held by us, north of the Yukon, would be accepted by Canada in exchange for any part of the coast of British Columbia south of north latitude 54° 40′.

Differences have been alluded to, raised by General Cameron in a construction of the details of the Alaska treaty which relate to the boundary. These relate, not to those expressions in the treaty which have hitherto been considered as obscure, but to its most precise and explicit wording. As, for instance, it would be claimed from his point of view that the name *Portland Channel* in the treaty does not mean Portland Channel, but an entirely distinct series of waters; which construction would add to Canada an area somewhat larger than the State of Delaware. He would also regard the "*line parallel to the windings (sinuosités) of the coast*" as a line which should disregard the windings of the coast, and instead of following the "*crest (crête) of the mountains*" should skip across the arms of the sea when they are less than 6 miles wide.*

Waiving these fundamental differences in construction of the treaty, Dr. Dawson suggested two alternative methods of obtaining a boundary line:

(1) A line starting from certain specified fixed points on the natural routes between the coast and interior, such as those to be later referred to; the territory drained by streams debouching seaward of the fixed points to belong to the United States, and that drained by streams debouching on the opposite or inland side of the points to Great Britain.

* The views of General Cameron are to be found in the accompanying copy of a letter to Sir Charles Tupper (printed above as Document No. 2), most courteously furnished me by Dr. Dawson, in order that these views should be clearly put on record.

It being, however, provided that in the event of the boundary line above determined reaching a certain specified distance from the coast, it shall then follow a straight line with a prescribed course for such distance as the seaward streams may be found to lie on the British side of such line. A boundary thus formed would practically be found to follow the crest of mountain ranges for the greater part of its entire length, while it would be prevented from attaining an inconvenient inland extension by the prescribed limiting lines. The courses of the latter might be stated with sufficient precision from our present knowledge of the region and should be in each case approximately parallel to the main trend of the opposite coast.

The preceding paragraph, practically in Dr. Dawson's own language, agrees with the plan suggested in my memorandum of January 3, 1888, except for the limiting proviso, a proviso which I would cordially accept. It would seem, therefore, that in essentials we practically agree, when the mode of getting at a line in this region is concerned.

(2) Dr. Dawson's alternative proposition suggests that certain points on the natural routes cutting the coast mountains should be settled upon, and that straight lines should be drawn between these points, believing these straight lines would be little more difficult to survey than the water-shed determinations suggested in the previous paragraph.

In either case the line as actually surveyed, marked, and accepted by the boundary commissioners who might have it in charge should forever remain the legal boundary line, even though it proved by more refined surveys at some later period to be slightly at variance with the theoretical line which it was intended to represent.

As to the situation of the points where these lines should take their departure, it was agreed that this would depend upon the interpretation to be placed on the treaty of 1825.

But in regard to the Chilkoot portage where there is no navigable river and which is now the most important inland route, Dr. Dawson seemed to feel that any plan not involving the possession of territory through to the sea by Great Britain would be unacceptable; while I felt equally confident that such a cession is undesirable for the United States and would not be likely to be considered seriously by them.

We both agreed that the sooner the matter is settled and decided the better for both countries. The development and population of the region is progressing and private interests growing up, which, under some circumstances, might operate to obstruct the adoption of a fair and equitable settlement in the future. At present there are few such interests to be affected, and an early settlement is doubly desirable.

I am, sir, very respectfully, your obedient servant,

WM. H. DALL.

No. 4.

Mr. Dall to Mr. Bayard.

SMITHSONIAN INSTITUTION,
Washington, December 19, 1888.

DEAR SIR: I have the honor to submit herewith, as previously suggested, two documents relating to the Alaska boundary question. The first is a memorandum, in which I have endeavored to trace without partisanship the historical process by which the Anglo-Russian treaty

of 1825 came into being, and to explain the circumstances which may be supposed to have suggested the language used in the delimitory clauses, as well as the meaning that language was intended to convey.

As the subject is full of difficulties for any one who has not had the opportunity for special investigation into the circumstances, I have felt that perhaps such a discussion might be of use to all parties concerned.

With this document are submitted the following maps, more or less necessary for a clear understanding of the discussion:

(1) Two tracings by the Coast Survey, showing the features of the region on the north shore of Portland Inlet near its mouth.

(2) British Admiralty Chart, No. 2431, showing the latest British survey of Portland Inlet.

If these papers are to be printed it is very desirable that in the same collection should appear an officially revised copy of the American-Russian treaty or convention concluded in 1824.

A similar copy of the Anglo-Russian treaty of 1825;

A similar copy, with both the English and French versions, of the American-Russian treaty of 1867, by which Alaska was ceded to the United States;

A reproduction, from the atlas of the French edition of Vancouver of 1799, of so much of chart 3 as covers the region north of the fifty-fourth parallel and that part of chart 7 which lies between the parallels of 54 and 57 degrees north latitude.

If there are any additional geographical data forthcoming from the Coast Survey, during the last year or two, it would be desirable to have them represented on a chart by themselves.

The second document submitted is a criticism in the light of the previous memorandum of the singular hypotheses regarding the boundary line which have been emitted by General Cameron of Canada, and which are formulated by Dr. Dawson in the accompanying letter to Sir Charles Tupper, of which a copy was courteously furnished by him at the time of our informal conference, already reported on.

This is accompanied by a copy of an official Canadian map on which General Cameron's hypothetical boundary line is depicted, which it would be well to reproduce as far as it relates to the Alaskan region.

I have the honor to be, very respectfully, yours,

WM. H. DALL.

No. 5.

Memorandum on the Alaskan boundary, by William H. Dall, A. M.

1. It is admitted by all that the language of the treaty between Great Britain and Russia of February 16–28, 1825, in so far as it attempts to define the boundary of the southeastern portion of Alaska Territory, then Russian America, is, from the modern stand-point, insufficiently precise to render misunderstanding impossible.

Leaving political or national preference aside, as far as possible, it is obvious that, to arrive at a true understanding of the intentions of the contracting parties to that treaty, it is necessary to consider the situation and historical circumstances which led up to it.

2. By reference to the publication entitled "Papers relating to the Behring Sea Fisheries, U. S. Department of State, Washington, 1887," it will be seen that Part II is composed of documents relating to the

boundary discussion covering the period 1822–1838. A perusal of those documents will indicate to the fair-minded reader that in the early part of the discussion between Great Britain, Russia, and the United States the views which were finally compromised in convention and formed the basis of the discussion were that Spain (represented by the United States, which had succeeded to Spanish rights on the coast), the United States, Russia, and Great Britain had alike certain theoretical rights due to priority of discovery, trade with the natives, etc.; but that the right of possession or sovereignty *de facto*, though claimed by all, was conceded by neither, so far as the coast between the Columbia River and north latitude 55 degrees was concerned.

The Russian claim, due to original discovery, was by some put at the parallel of 55 degrees north latitude, that being about the limit of the first discovery of that coast by the Russian Capt. Alexis Chirikoff in 1741. Others claimed that the true latitude by Chirikoff's discovery was between the parallels of 48 and 49 degrees north, whence the claim of Russia was correspondingly extended southward. (See report to the Grand Duke Constantine of Capt. Lieut. Paul Nikolaievich Golovin, on the Russian colonies in America, St. Petersburg, 1862; in Morskoi Sbornik, Vol. LVII, No. 1, III, pp. 19–192. A short abstract of part of this report is to be found in Fortieth Congress, second session, H. R. Ex. Doc. 177, pp. 109–114, 1868.)

This latter view was not established by the facts which could be adduced, and in the convention between the United States and Russia April 5–17, 1824, it was virtually abandoned. But, probably because the parallel of 55 degrees was not so situated as to afford a natural and recognizable delimitation in harmony with the physical features of the coast, an approximation to it was adopted by which advantage was taken of a natural opening in the archipelago which fringes this coast. This opening, known as Dixon's Entrance, separates the Queen Charlotte Islands from the group now known as the Alexander Archipelago, by a broad strait almost free from impediments, the eastern end of which is prolonged into the most extensive inlet which penetrates the American main-land in any part of the disputed region. If a person entirely ignorant of the discussion had been shown Vancouver's chart of this region and directed to select a line which should separate it into two portions in the manner most in harmony with the physical characters of the land and water, he would unquestionably have drawn a line which, departing from the central channel of Portland Inlet, at its mouth, should be extended westward through Dixon's Entrance to the Pacific. If at the same time it was intended to give to Russia only as much territory as would bring her to the natural boundary, and no more, this line would be identical (on Vancouver's chart) with the parallel of 54 degrees and 40 minutes north latitude, which grazes the southern headlands of Prince of Wales Island and enters Portland Inlet practically in mid-channel.

In this connection it must be borne in mind that Vancouver's charts were at that time, and remained practically up to 1880, the only charts worthy of consideration, all others being based upon them with but trifling changes, and these not always for the better. It is certain as anything can be of which we have not documentary evidence that the maps used by the agents of the contracting parties were those of the French translation of the official edition of Vancouver's report and atlas. This translation was issued in the same form as the original, at Paris, in 1799. There are others, but of later date and more or less abridged or modified in the translation. French being the diplomatic

language, the French rather than the original edition would have been used.

3. It is also necessary to remember that at that period, and for many years later, the region in question was regarded by all the civilized world as a horrid wilderness, peopled by blood thirsty savages, in itself valueless, and of importance only through its relation to the *amour propre* of the nations concerned and the daring voyages of a few adventurous fur traders. Considered as territory, a few miles more or less, in one direction or the other, would have been regarded as of absolutely no importance by either nation. Such a view persisted long afterward in relation to the far more attractive Oregon Territory, and is still widely prevalent in regard to southeastern Alaska.

4. The convention of 1824 acknowledged no rights of sovereignty. The Russians agreed not to attempt settlements south of the natural boundary above described (lat. 54° 40′ N.), and the Americans agreed to make none north of that line. That the trading posts of either should not be visited by the trading vessels of the other except with the consent of the officer in command of the post, but that the trade away from the trading posts should be free to all (the sale of arms, ammunition, and liquor being prohibited) for ten years, after which the Russians might exclude the Americans from the waters north of the parallel mentioned. The convention was practically a *modus vivendi*, with delimitation of the areas in which sovereignty might accrue or eventually be admitted, but without any definite admission of such sovereignty in set terms.

5. The Anglo-Russian treaty of the following year started from this basis and took a step in advance. In it the possessions of Russia were admitted to extend southward to the parallel of 54° 40′, and her sovereignty over them was effectively recognized. In territorial matters this was the only positive feature of the treaty. The differences between Great Britain and the United States in regard to the territory south of 54° 40′ were not referred to, and the rights of Great Britain on that part of the coast were recognized only inferentially, if at all; that is to say, while it was admitted that she had rights (a fact which indeed was generally conceded), there was no attempt to state or define the territorial limits of those rights, except that they did not extend north of 54° 40′. Thus Russia gained distinct recognition, but Great Britain only a *modus vivendi*.

6. The conventions above referred to were negotiated while George Canning was in charge of the British department of foreign affairs. We have the usual official correspondence between the Russian and American diplomats, and the explanatory dispatches of the latter, printed in the papers already alluded to, and in British and Foreign State papers (Vol. XIII, pp. 498–520), as well as the volumes of archives which have appeared under the auspices of the United States State Department. The unavoidable conclusion from a reading of these documents is, that the parties were (1) chiefly concerned about a matter of principle or national pride rather than the acquisition of a little more or less of a territory regarded by all as practically worthless except for its fur trade; and (2) that in the delimitation of territory it was from the first and to the last a question of a parallel of latitude rather than of such a group of islands and such an area of the continent. Russia knew better than any one else the value of the fur trade on that coast, in the preservation of which the imperial family and many of the court were directly interested through the ownership of stock in the Russian-American Company.

She desired to exclude all foreigners from approaching the coast and attempted to bring this about by the ukase of 1821. The pretensions to control of the North Pacific assumed in this ukase were inadmissible in international law and were the subject of immediate protest by the maritime powers, Great Britain and the United States. As the citizens of the United States were the first to explore and to establish trade in many parts of the region, and a naval officer of Great Britain was the first to adequately chart the greater part of it, as both had traded with little molestation on the coast for more than thirty years, it was intolerable that such a question should be treated by ukase and settled by the edict of but one of the parties concerned.

7. In the end Russia was obliged to recede wholly from the false position into which she had advanced, and the fur trade was for ten years thrown open in the Alexander Archipelago to all parties, and during that period practically destroyed, so far as sea-otters were concerned. The only compensation which Russia received for this mortification was a recognition of her sovereign rights over the coast southward to 54° 40′. This was really a great gain and probably worth more to her in the end than that part of the fur trade which she lost.

But in the state papers which have been published there is little or nothing explanatory of the minor details relating to the territorial delimitation, as finally agreed upon. It is certain that the form used was essentially the work of the Russian negotiators and expressed as closely as they thought necessary the boundaries necessary to secure to Russia the control of the trade and fisheries on the islands and shores of southeastern Alaska. The "line of 54° 40′" was then, as for many years, the central idea, and later became a campaign slogan in the United States when the northwest boundary was in question. The Russians wanted every inch of the coast to avoid the planting of competitive trading posts in their midst. But they were obliged to yield to the British demand for free navigation of the rivers by which the traders of the British interior country could bring their furs to the sea and carry their goods to the interior. This privilege, however, was never used. The settlement of a number of minor disputes later, by leasing to the Hudson Bay Company the trading privileges of the Alexander Archipelago, put an end to a good many matters of controversy; and the practical extinction in this region, somewhat later, of the sea-otter, the object of all this controversy, left no particular occasion for further discussion.

8. There is, fortunately, one source of light on the St. Petersburg negotiations which helps us materially to understand the motives and interests at work. This is the "Political life of the Right Honorable George Canning, from his acceptance of the seals of the Foreign Department in September, 1822, to the period of his death in 1827. By his private secretary, Augustus Granville Stapleton" (second edition, 3 vols. 8vo. London, Longmans & Co., 1831). Both the writer and the subject of the memoir were in and of the things of which it treats, and, apart from an official governmental record, no testimony could be more reliable and authentic.

The part relating to these negotiations will be found in Vol. III, pp. 114–126. The quotations which follow are *verbatim et literatim*.

9. After stating that the territorial claims of the United States, and a supposed "secret partiality for the Russian side of the question," rendered it undesirable for Great Britain to join with the United States in negotiations about this subject, and that Sir Charles Bagot, ambassador to Russia, was instructed by Mr. Canning, then foreign secre-

tary, to treat alone with the Imperial Government, the negotiations are thus described:

The principal object of the negotiation was to obtain a recorded disavowal from Russia of the maritime pretensions advanced in the Ukaze [of September, 1821]. And then (but this was a secondary consideration) to settle some line of demarcation between the respective territories of the two countries, the settlement of which would furnish the Russian Government with a fitting opportunity for making the disavowal in question.

On the first point the Russian Ministers professed to entertain no difficulty; all therefore that it was necessary to do was to decide upon the mode of dividing the territory. For this end it was agreed as the basis upon which the negotiations should be conducted, that the claims of strict right should be provisionally waived by both Parties, and that the adjustment should be made upon the sole principle of their mutual convenience. That, of Great Britain, on the one hand, required the posts on the Continent belonging to the Hudson Bay Company, the embouchures of such rivers as afforded an outlet for the British trade into the Pacifick, and the two banks of the Mackenzie River; on the other that of Russia induced Her to wish to secure to Herself Her Fisheries upon the islands and shores of the North West Coast and the posts which she might have already established on them. (*Opus cit.*, pp. 119–120.)

Here it may be noted that at this time Great Britain, as represented by the Hudson Bay Company, had no posts on the Pacific shore of the continent north of latitude 51 degrees north; and Russia, in the form of the Russian American Company, none south of latitude 57 degrees, in round numbers. The mean latitude between these parallels would be about 54 degrees north, 40 miles south of that finally adopted.

10. The first propositions of Great Britain were not accepted by Russia, and Sir Charles was obliged to appeal to his superiors for a more extended discretion. Shortly after the British ambassador had thus suspended his negotiations, the American minister, Mr. Middleton, succeeded in bringing those with which he was charged to a termination, by the convention of April 5–17, 1824. (See Treaties and Conventions between the United States and other powers, pp. 733–734; or British and Foreign State Papers, Vol. XII, pp. 595–599.)

This convention essentially limited settlements by the citizens of either nation respectively to the north or to the south of the natural boundary line of 54 degrees 40 minutes north latitude, which we have already described, and left the coast, apart from trading posts already established, open to navigation and trade with the natives for the period of ten years after the signing of the convention.

11. Mr. Stapleton then continues:

The boundaries desired by Russia beyond what Sir Charles had been authorized to agree to, did not in any way materially affect the interests of this Country [Great Britain]. He was, therefore, instructed to consent, with some trifling modifications to the line of demarcation for which Russia contended. But in return for this concession on the part of Great Britain, certain points as to the navigation of Behring's Straits, and as to privileges of trading were to be stipulated for which had not been contemplated in former discussions, but nevertheless were not considered to be of a nature at all unfavorable to Russian interests. Upon these points, however, the negotiation was broken off. Whether the complaints of the Russian Company against the convention with America made the Plenipotentiaries more difficult to please, or whatever else might be the cause they remained inflexible; and Sir Charles Bagot, who was about to return to England, was allowed to quit St. Petersburg in the beginning of September, 1824, without the conclusion of any definitive arrangements. This, however, was not a state of things with which Great Britain could remain contented. The indefinite postponement of an adjustment of the territorial limits was a matter of little moment; but the settlement of the maritime portion of the question she could not submit much longer to defer.

Mr. Stratford Canning was therefore sent shortly after Sir Charles Bagot's return, on a special mission to St. Petersburg for the purpose of bringing to a speedy conclusion these long-protracted discussions.

Mr. Stratford Canning was instructed to propose such alterations as were in accordance with those views of Russia, which were reasonable. If, however, the Russian

plenipotentiaries should continue to be dissatisfied with the propositions of Great Britain, Mr. Stratford Canning was to be at liberty to agree to an article stipulating to negotiate hereafter respecting the territorial limits; but Mr. [George] Canning considered it essential that Russia should in some way repeal "her unjustifiable arrogation of exclusive jurisdiction over an ocean of unmeasured extent;" which, if the Russian Government would not do, then Great Britain would resort to some mode of recording in the face of the world Her protest against the pretensions of the Ukaze of 1821, and of effectually securing Her own interests against the possibility of its future operations.

For such protest, however, there was fortunately no occasion. On the 28th of February, 1825, Mr. Stratford Canning signed with the Russian Plenipotentiaries a convention of which the following is the outline:

The first two Articles were in every respect similar to the first two, already described as being in the convention between Russia and the United States. The third laid down the line of demarcation, which was to commence from the southernmost point of Prince of Wales' Island in 54° 40′ N. latitude, between the 131st and 133rd degree of W. longitude, and to ascend to the north along Portland Channel, as far as the point of the Continent where it would strike the 56th degree of N. latitude; thence it was to follow the summit of the mountains situated parallel to the coast, as far as the point of intersection of the 141st degree of W. longitude and thence along that meridian line was to be prolonged to the Frozen Ocean.

The 4th Article explained the third as giving the whole of Prince of Wales' Island to Russia; and when the summit of the mountains should exceed ten marine leagues from the coast, then the boundary was to be formed by a line drawn parallel to the windings of the coast at the distance of ten marine leagues.

The 5th Article bound the two contracting parties not to form establishments within the limits respectively assigned to the possessions of the other.

The 6th gave to Great Britain the privilege of navigating freely all the rivers and streams which in their course toward the Pacific might cross the strip of land on the coast assigned to Russia.

The 7th mutually conceded the right of trading with the respective possessions of each other for a period of ten years.

The 8th opened the port of Sitka to the commerce and vessels of British subjects for the same period, and provided that in case an extension of the term be granted to any other power the same extension should be granted to Great Britain.

The four remaining articles regulate some minor points which are not of sufficient importance to be detailed. By this Convention Great Britain secured for Herself as far as Russia was concerned all that was important for Her commercial interests. (*Opus cit.*, pp. 120–125.)

The explanatory words in brackets have been added by the writer to secure clearness.

12. It forms an interesting confirmation of the little weight laid by Great Britain on the matter of territorial limitation in its minor details to find, in the Life of the Right Hon. Stratford Canning by Col. Lane-Poole (London; Longmans, Green & Co., 1888, 2 vols., 8vo.), a work which, besides embalming greater things, fairly teems with the trifles of petty diplomacy, only the following paragraph in regard to the negotiations alluded to:

> The object of this instrument [the treaty of 1825] was a good deal more than a mere question of boundary, though the latter was made to cover and mask the larger design. A Russian ukase of 1821 had advanced claims to exclusive maritime rights in the Pacific, and some public repudiation of this inadmissible pretence had to be made on the part of England. This was to be accomplished in a friendly and innocent manner by the first article of the new boundary treaty, in which our maritime and fishing rights in the Pacific were clearly maintained. The article was debated by Nesselrode and Poletica, but the treaty was finally agreed to 28 February, without any material concessions on the side of England. (*Opus cit.*, Vol. I, p. 363.)

13. These extracts show conclusively that so far from entering into a detailed study of the minutiæ of the line suggested by Russia, the British negotiators paid but little attention to it and its geographical relations, their desires and intentions hinging almost exclusively on the repudiation of the principles involved in the ukase of 1821.

14. It is also sufficiently evident from the above citations, as it is from every scrap of written evidence historically available, that Russia's object was to secure to herself the control of the "islands and shores"

northward of latitude 54° 40′, and, as the wording of the delimitory clauses appears to have been that suggested by the Russian negotiators, that she supposed that wording to be sufficiently precise for the purpose. Nor was she alone in this opinion. Whenever by British authorities any reference is made to this subject during the succeeding half century, the Russian position and construction of the treaty is not only not opposed, it is taken as a matter of course. One citation, among the many which might be made, to prove this, will suffice for present purposes.

Sir George Simpson, governor of the Hudson Bay Territory and a director of the Hudson Bay Company, an astute man of affairs, and who focused in his own person all the interests which might profit by any insecurity of Russia in the generally received construction of the wording of the treaty, made in 1841 a voyage around the world, it is believed with diplomatic as well as other purposes in view. He visited southeastern Alaska, of which the fur trade was then under lease to the Hudson Bay Company, and the coast of British Columbia, etc. He published in 1847 an account of his travels in two volumes. In the second volume (p. 209) we find the following observations:

> Russia, as the reader is of course aware, possesses on the mainland between latitude 54° 40′ and latitude 60 degrees only a strip, never exceeding 30 miles in depth; and this strip, in the absence of such an arrangement as has just been mentioned [the aforesaid lease], renders the interior comparatively useless to England.

15. It does not, in the writer's opinion, require further argument to enforce the conclusion that whatever construction be placed on the wording of the treaty to conform to the historic evidence and practical international usage of the two parties most interested, that construction must assume:

(1) That the parallel of 54° 40′ north latitude was the dominating factor.

(2) That the coast and islands north of that parallel and excepting the right of river navigation were wholly and entirely conceded to the sovereignty of Russia.

(3) That the geographical basis upon which both parties rested their delimitating description was based on the charts of Vancouver, of which the edition used was probably the French translation of 1799.

16. We may now proceed, using the officially-revised copy of the treaty, to discuss the wording in those points in which it concerns the boundary.

According to Vancouver's chart, as already herein stated, the southern headlands of the body of land called by him Prince of Wales Island were supposed to graze the parallel of 54° 40′. Their position has not yet been officially determined within the limit of accuracy now possible to geodetic surveyors with the best instruments. As Vancouver's latitudes depended on the use of the sextant of those early days, there was an evident possibility that the position of the headlands might finally prove to be a mile or two north or south of the accepted parallel. To avoid a wording by which Russia (in the event of the headlands being shown to project south of that parallel) should be deprived of sovereignty over the few acres concerned, the proviso was made that the island called Prince of Wales Island should belong wholly to Russia. This conclusion seems quite self-evident, and is in harmony with the rest of the treaty. We have seen no other explanation worthy of consideration so much as suggested.

17. It having been decided after years of controversy that the parallel of 54° and 40′ should constitute the essential part of the boundary line, it probably did not occur to any of the parties concerned that

before stating where the boundary line should diverge from it, they had omitted to state that the said boundary line should follow the parallel to the point of divergence from the point on that parallel where they specified the boundary line should begin. Nevertheless, as we have already shown, there is no other conclusion in harmony with the progress of the negotiations, and it has been tacitly accepted for half a century by all concerned. We therefore hold that the intent of Article III of the Convention of 1825 is to be taken as if the interpolated words in brackets formed part of it:

> Commencing from the southernmost point of the island called Prince of Wales' Island, which point lies in the parallel of 54 degrees 40 minutes north latitude, and between the 131st and 133rd degrees of west longitude (meridian of Greenwich) the said line [proceeding along the said parallel of 54° 40′] shall ascend to the north along the channel called Portland Channel. (etc.)

18. At this point we come across another difficulty, or, rather, one has been suggested very recently. By a careful study of Vancouver's text it is evident that there is on this point a certain discrepancy between his charts and his text. In reading over his whole account of the survey of this inlet and its branches (Vancouver, official English edition, Vol. II, pp. 329, 330, 331, 334–340, and 371), he seems to have varied a little in his notions, but his final treatment of Observatory Inlet extends it to Points Wales and Maskelyne, while in another place he seems to regard it as beginning at Point Ramsden (cf. *op. cit.* II, p. 375). On the other hand, he treats Portland Inlet as continuing to the sea behind Wales and Pearse Islands. So that, if the treaty is to be tried by Vancouver's text, it will result in giving to Great Britain the abovementioned islands and some other small ones.

But on Vancouver's charts the names of Portland Canal and Observatory Inlet are not extended southward to the main body of the inlet south of Point Ramsden. They are attached to the two bifurcations extending northward of which Portland Canal is the longer and most important. This is especially marked on chart 7, where there is abundance of room for extending the names southward if that had been desired by the cartographer. On the other chart, that of the northwest coast in general (No. 3, French edition), which is on a very much smaller scale, the names, especially "Entrée de l'Observatoire," do extend some distance south of Point Ramsden; but when compared with the larger and much more detailed chart 7, where this is not the case, the inference by a non-critical observer would be merely that there is not room for the name on chart 3 alongside the inlet northward from Point Ramsden, and that the extension was merely accidental. At all events, the larger and more detailed chart would be likely to produce the strongest impression on the minds of those examining both, and we may be quite certain, in view of the education at that time in vogue, that none of these gentlemen were geographers or qualified geographical critics.

There will therefore be little improbability in the assumption that the longer northern part and the broader southern part were regarded as one inlet, under the name of Portland Channel or Canal, to which Observatory Inlet became tributary at Point Ramsden. This on the same principle, by which of a newly-mapped river the largest and most important ramification is selected to bear the river name from its source to the sea, while others are regarded as tributaries.

This is the natural view to take, as nobody would mouse out the minutiæ of Vancouver's text when they had, as they might justly infer, the resultant of it in the graphic form of his detailed chart. This view I believe to have been taken by the negotiators, as it certainly has since

been taken by the British Admiralty office, on its charts (1853), and by everybody else until the present revival of controversy.

19. It will hardly be denied that, in the construction of the meaning of the treaty, we are to be guided by what the negotiators had before them, and the ideas they held, rather than by what was unknown and unconsidered by them. It can not be assumed that these gentlemen, after the manner of antiquaries or philologists, made searching investigations into Vancouver's nomenclature or microscopic comparisons of his charts one with another.

The most reasonable, indeed, we may fairly say, in view of all the evidence, the only reasonable conclusion is that they took as a basis for their discussion, without research or special comparison in details, the two charts (Nos. 3 and 7, French edition) in Vancouver's atlas which related to the region concerned; that they assumed their essential correctness for the purpose and were well aware that no other charts existed to which a higher grade of accuracy could be assigned.

I may add that there are to be found in Vancouver's text, when carefully compared with his charts, several instances of such discrepancies. No one can be surprised at this when aware of the melancholy circumstances under which his life was terminated just as his report was issuing from the press. I may add that, as is the general rule in such cases, subsequent geographers have followed the charts rather than the text in their use of the work.

20. We conclude, then, that an unpartisan survey of the circumstances would lead to the acceptance, in this instance, of the usage which has obtained among geographers in general, and those of the British Admiralty in particular, since the negotiation was concluded, and against which no single objection has been raised until the present time. Besides the fact that it has been adopted, the line drawn through Portland Inlet has the obvious advantage of being the natural as well as the conventional way northward of the boundary departing from the parallel of 54° 40′; and that this was the reason it was selected by the Russian negotiators I have not personally a particle of doubt.

The passage behind Pearse and Wales Islands is very narrow and obstructed by rocks. It also has several entrances at its southwestern extreme, which would lead to new difficulties of selection. Pearse and Wales Islands, though not small, are very narrow, high, rocky, bold islands, valueless for any purposes as far as now known. The general features of this vicinity are indicated on the U. S. Coast Survey reconnaissance charts reproduced herewith.

21. As we are confronted by a hiatus in the wording of the treaty, which jumps from Cape Muzon ("the southernmost point of Prince of Wales Island") to Portland Canal or Channel, so, as we proceed in order, at the head of the inlet we are met with another hiatus in the wording:

> The said line shall ascend to the north along the channel called Portland Chanel as far as the point of the continent where it strikes the 56th degree of north latitude.

Now by Vancouver's observations Portland Canal does not reach the fifty-sixth degree of north latitude. By the most recent British survey, even including the estuary of a small stream at the head, the inlet falls short of that latitude about 3 miles, but on Vancouver's chart about five times as much. Vancouver is probably wrong in the latitude, but this is of no help to us. Furthermore:

> From the last mentioned point the line of demarcation shall follow the summit of the mountains situated parallel to the coast (etc.).

Now, if the channel did reach the latitude of 56 degrees north, there would necessarily be a hiatus between it and the "summit of the mountains" for which no provision is made.

The rational rendering of the clause is not difficult to conceive. The negotiators merely intended that, following the channel as long as it was available, the line should be projected in the same direction until it reached the said parallel, along which it was to extend to the summit of the mountains which are represented on Vancouver's chart 7, as existing in this vicinity in about latitude 55° 50′ to 55° 55′ north, and on his general chart in latitude 56° to 56° 15′. The mean latitude for the summit would be about latitude 56 degrees. That this is the correct explanation is confirmed by Stapleton, who says:

> The line * * * was * * * to ascend to the north along Portland Channel as far as the point of the continent where it *would strike* the 56th degree of north latitude, etc.

This is obviously the interpretation which common sense would suggest in the absence of such historical confirmation.

22. As the "summit of the mountains" and the waters of the channel can not be conceived to physically coincide it is obvious that their intersection was not intended. It was perfectly apparent that the channel and the fifty-sixth degree of north latitude were separated on Vancouver's chart by some 15 geographical miles, consequently an intersection of these two could not have been intended. But the only remaining construction which can be put upon the wording is that the line of demarkation and the fifty-sixth parallel should intersect, which is in accordance with common sense and the historic record, as well as the subsequent usage of the parties interested, and must therefore be adopted.

23. We now come to the "crest of the mountains situated parallel to the coast." What could have suggested this expression? We turn to Vancouver's charts for a reply. There we find the area behind the sea-level on the mainland covered with the conventional signs, which, in the cartography of those days, signified mountainous or broken country. The area so treated varies in width on different parts of the coast and is bounded on the interior by a much higher and, for the most part, continuous range of mountains, indicated in the conventional manner. This range is separated from the sea by a distance which, in some places, does not much exceed 5 miles, while in other places, measured at right angles to the axis of the range, it is over 40 miles.

We have already shown that a mean position for the crest, taking charts 3 and 7 into consideration, is very close to 56 degrees north latitude, at the intersection of the produced "line of demarkation" north of Portland Channel. In logic as well as trigonometry, one intersection of two projected lines gives probability to the correctness of its location, but a third coinciding with the first amounts to proof positive of the correctness of the joint intersection. We may fairly claim, then, to have established in this manner the following first principles:

(1) That it was the "line of demarkation" which was to intersect with the fifty-sixth parallel.

(2) That the "summit of the mountains" was the crest of the range represented on the chart as coinciding practically with the above intersection.

24. Furthermore, though there are numerous spurs and short ranges of less importance indicated more or less scattered over the conventional mountainous area, the above range is the only one which preserves, together with a general parallelism to the coast, a fairly continuous domination over all other mountains represented on the chart

between Portland Canal and the meridian of 141 degrees west of Greenwich. It was (assuming its existence, as the negotiators must have done) the obvious and only natural line of demarcation possible under the circumstances.

There are, however, a few breaks in this natural rampart as indicated by Vancouver; the most marked on the general chart is at the head of the Taku Inlet or estuary. For the bridging of these some provision was necessary; so in the following article it was provided that when the crest (crête) of these mountains shall prove to be at more than ten marine leagues from the ocean the limit or boundary shall be formed—

by a line parallel to the sinuosities of the coast and which shall never exceed the distance of ten marine leagues therefrom.

25. Had the topography of the main-land been really what the negotiators supposed and what Vancouver depicted, it is not probable that any important difference of opinion would ever have arisen about the boundary.

But we now have the best of reasons for the belief that no such dominating range exists, at least until the Alpine region west and north of Cross Sound and the Alexander Archipelago is reached. What shall be substituted for it with justice to our neighbors and the proper reservation of the rights of the United States is a problem with which this memorandum is not concerned. Here we have endeavored to resuscitate, as far as practicable, the circumstances under which the definition of the Russian territory was produced, the circumstances which determined its wording, and a fair and unpartisan construction of its intended meaning. If we have succeeded in throwing any light on these obscure points our object will have been accomplished.

No. 6.

Supplementary memorandum on the views of General Cameron, as submitted in the letter of Dr. George M. Dawson to Sir Charles Tupper, in regard to the Alaskan boundary, by William H. Dall.

1. The letter herewith reprinted was courteously furnished with the permission of Sir Charles Tupper by Dr. Dawson. It had been requested by the writer, in order that some definite statement might be had of some very surprising claims which were being discussed by unofficial agencies. As those of a venerable and gallant officer, however unversed in history or logic, General Cameron's views deserve attention; and, in showing their irrationality, I wish to repudiate once for all any intention of reflecting upon him personally, or upon any of the enthusiastic persons north of the United States who have recently amused themselves by coloring maps of North America in accordance with those views.

2. With the introductory remarks of Dr. Dawson, the reader who has followed the reasoning of my memorandum on the boundary will observe that I am in general accord. One exception to this must be taken. Dr. Dawson says:

The fact alone that these conventional mountain features are not even similarly placed on the corresponding portions of Vancouver's overlapping charts, must have been sufficient to show that no dependence could be placed on them. The only line

of mountains which is practically identical on the various charts, and the existence of which could be confirmed by reference to Vancouver's detailed description, is that which is represented as everywhere rising immediately from the coast and which borders upon the sea. It is therefore to the summits of these mountains immediately bordering the coast that the words of the convention must be understood to refer. Only in the case of the absence of mountains is the 10 marine league limit admissible, and then under certain conditions, for general parallelism with the coast is also essential.

It was no doubt in consequence of the distinctly conventional mode of representation of the mountains on Vancouver's charts, and the necessary inference that they did not accurately represent the facts, that the limiting clause was inserted in the convention.

3. I have already shown in my memorandum that (1) there is no reason to believe that Vancouver's charts and text were subjected to any critical comparison whatever. If there had been any one competent to critically compare them concerned in the matter, it is highly improbable that so slipshod a definition of the boundary line would ever have been adopted.

(2) There is not in Vancouver's Atlas any continuous line of mountains represented as everywhere arising immediately from the coast and which borders upon the sea. The sea-shore forms the edge of an area conventionally indicated as mountainous, which is a different thing. Moreover, the true line of mountains has, I believe, been positively identified in the memorandum.

(3) I have already stated what seem to me to be the obvious reasons for the insertion of the limiting clause.

4. General Cameron's views may be taken up seriatim. As quoted by Dr. Dawson they begin:

In the second clause of the fourth article provision is made for the case of the mountains being found at more than 10 marine leagues inland, and it is there laid down that the measurements shall be made not from inlets, but from the ocean.

It will be observed here that the insertion of the words "not from inlets, but" gives what is really a very false impression, though doubtless not so intended. It assumes the whole point of contention, and can not be admitted as it stands. The general continues:

The convention stipulates, "Que partout où la crête des montagnes, qui s'étendent dans une direction parallèle à la côte * * * se trouverait à la distance de plus de dix lieues marines de l'océan * * * la limite * * * sera formée par une ligne parallèle à la côte, et qui ne pourra jamais en être éloignée que de dix lieues marines."

The word ocean is wholly inapplicable to inlets.

This last sentence, it will be observed, is pure assumption, unsupported by reason, history, or fact, but a very convenient way of deciding the question in advance and saving the trouble of making an argument. The decision naturally follows with military promptitude—

consequently the line, whether marked by mountains or only be a survey line, has to be drawn without reference to inlets.

Had it not been so clearly provided against by express stipulation in the second clause of the fourth article of the convention—

Unfortunately there does not appear to be any "clear provision" or "express stipulation" in the second clause of the fourth article which bears upon the general line of announcement (for we can not call it argument) which the general is giving us; but in the next clause we come at last upon something tangible, as follows:

and by the accepted principles of international law, it might, in the case of the absence of mountains, be agreed that the breadth of the *lisière** should be measured

* *Lisière* literally means *list*, the continuous strip of selvage on the edge of woolen cloth, and hence has become applicable to any continuous narrow strip or marginating band.

from the sea water's edge, wherever—in inlet or elsewhere—it outlined the cortinent, and that this being the coast-line, where no mountains exist within 10 leagues, is equally the coast-line whence to determine the mountains *nearest to the coast.*

But, as said above, inlets in either alternative, the occurrence or non-occurrence of mountains within 10 leagues, are not part of the coast line determining the boundary.

The last paragraph is again purely annunciatory. But to proceed:

None of the inlets between Portland Channel and the meridian of 141 degrees west longitude are 6 miles in width, excepting, perhaps, a short part of Lynn Canal; consequently, with that possible exception, the width of territory on the coast assigned under the convention to Russia may not be measured from any point within the mouths of the inlets. All the waters within the mouths of the inlets are as much territorial waters, according to an universally admitted international law, as those of a fresh-water lake or stream would be under analogous circumstances.

As far as non-mountainous country may extend, but within 10 marine leagues of the ocean, the inlets are in fact included by the convention within *la lisière de côte mentionnée ci-dessus comme devant appartenir à la Russie.*

On the other hand, so much of these inlets as happen to be in mountainous territory, or beyond 10 marine leagues from the ocean, together with the dry land about them, is assigned to Great Britain as much as are rivers and lakes in the same regions.

Nothing short of an express stipulation to the contrary effect would, it is conceived, serve to maintain the proposition that inland waters in the *lisière de côte* assigned to Russia were not part and parcel of that *lisière.* But if they were really part and parcel of the *lisière* itself, their mere existence can not possibly be a reasonable foundation for arguing that they involve an increase of the breadth of the *lisière* of which they are component parts.

The limits of the *lisière* are by the convention expressly dependent on the relative positions of ocean line and neighboring mountain line. The only reference to inlets in the convention (Art. VII) is in a form almost directly declaratory of assent to the doctrine of territorial authority over them.

Though expressed with extreme obscurity of language, the idea which lies at the bottom of this contention is at least perceptible.

Civilized nations have agreed that to a certain limit from the shore the waters of the ocean and their ramifications shall be as subject to the sovereign authority of the seaboard nation for administrative purposes as if those parts were dry land.

By a legal fiction, for such purposes this part of the ocean is called *territory*, though not one drop of water is converted into land by that fiction.

Now comes General Cameron with this legal fiction as a yard-stick, and proposes to measure the area of a piece of property which is held by a deed expressed in "metes and bounds." In other and homely phrase, he is trying to "measure clover-seed by the yard."

5. Apart from the essential and inexpugnable irrationality of such a proceeding, the contention may be refuted with ease in several ways:

(1) By the historical method. The historical development of the Russian colonies in America in their territorial relation has been traced in my "memorandum." It is not necessary to recapitulate it here. It is needless to say that it gives no support to General Cameron's hypothesis. It shows that Russia needed, asked, and obtained the possession of the entire undivided coast margin, subject only to a hypothetical right of navigation through the rivers heading in the interior, which was never exercised.

(2) By the *reductio ad absurdam.* It happens that there are none of the islands in the archipelago north of Dixon's Entrance which do not at some point approach within 6 miles of one another or of the continental shore. They are all mountainous. As General Cameron, if he applies his hypothesis, has no right to apply it partially or imperfectly, it will follow that all the archipelago for that purpose will become solid land. Of this "land" there would be a strip, excluding all of the continent, in no place less than 50 and sometimes over 80 miles wide.

Under the treaty not over 30 miles from the ocean could be possessed by Russia when not mountainous, and as the mountains come to the sea nearly all the way from Cape Muzon to Cape Spencer, the only property possessed by Russia in the archipelago would have been (1) Prince of Wales Island, which in the treaty is absolutely given to her, and (2) a strip a mile or two in average width on the ocean shores of the most seaward of the islands. It is perfectly easy to verify this if one would take such trouble, and it is certainly absurd enough for anybody.

There are other ways, if more were needed, of puncturing this hypothesis, but the above will suffice for the present.

6. There is a point in General Cameron's next paragraph which illustrates how remarkably the line of contention adopted by him lends itself to argument in any direction.

The paragraph is as follows:

> If the sovereignty over inlets does not pass in accordance with the doctrine that they are part and parcel of the surrounding territory there was no occasion for the reciprocal concession made in the seventh article for right to navigate these inlets.

Those who have followed the historical data of my memorandum will not need to be told that the concession in Article VII, which allows ten years' free trade in the archipelago, was given to Great Britain because it had been given to the United States one year before, and was given to the United States as a sort of sop, to quiet the cry for permanent rights of trading there, owing to the fact that American vessels had traded there freely for nearly thirty years.

Moreover, if by General Cameron's hypothesis the heads of all the inlets were British territory there was no need of any concession by Russia for her to reach them. She would have had the right of access, without any treaty, to her own ports, by the most ordinary principles of law, and any such concession as that of Russia would have operated to diminish and derogate from those rights rather than increase them, unless it distinctly stated in set terms that the right of trading and navigation through the archipelago was in addition to the rights of which Great Britain (by that hypothesis) was already in possession.

7. It is, of course, in view of all the facts, nothing less than preposterous to suppose that Russia would have accepted a treaty which cut her "strip" of main-land into several portions, or that Great Britain, having the right to occupy with trading posts the richest fur region of the archipelago, and represented by the Hudson Bay Company, the keenest corporation of that period, should nevertheless not only not assert and use these rights, but on the other hand pay money and otter skins for these very privileges to a foreign and competing corporation.

8. General Cameron continues:

> Regarded from this point of view rivers and inlets are identical. As reasonable, then, would it be to hold that under the convention the breadth of the *lisière* assigned to Russia is determined by the head waters of its rivers as that the head waters of its creeks and inlets regulate its breadth.

In this we heartily agree with the general, and believe not only that it is "as reasonable," but that it is the undoubted and invincible truth that the river valleys are not the "crest of the mountains," and when they extend more than 30 miles from the coast that the seaward portion of them is the property and possession of the United States up to the 30-mile "line drawn parallel to the sinuosities of the coast."

9. We now come to the second part of the general's report, which treats of the Portland Canal or Inlet question. In this we discover the soldierly qualities of his pen as conspicuously exhibited as heretofore,

and with even more courage. He attacks the theory that Portland Canal means Portland Canal, and demolishes it as follows:

With further reference to the position of the boundary, as provided for by the convention, it may be stated that the contention has been advanced by the Government of British Columbia that the words "dite Portland Channel" in Article III are palpably erroneous and not in conformity with the detailed description of the course of the line, on the following grounds:

The portion of the article in question reads: "A partir du point le plus méridional de l'île dite Prince of Wales * * * la dite ligne remontera au nord le long de la passe dite *Portland Channel* jusqu'au point de la terre ferme où elle atteint le 56me degré de latitude nord," etc.

Now, to reach the entrance of Portland Channel from the point first defined the line must run about 50 miles east of north, and, moreover, by ascending Portland Channel it can not strike the main-land in latitude 56 degrees north, as the channel terminates before reaching this latitude, and was known so to terminate at the time of Vancouver's survey.

If, however, the name only of Portland Channel be omitted, and the directions given be precisely followed, the line will ascend Clarence Strait and reach the main-land at the stated latitude and by the stated course. The several directions with respect to the line of boundary may, it is argued, be considered as more authoritative than the single mention of Portland Channel.

The inner meaning of this heroic argument is that its originator has discovered that between the termination of Portland Canal and latitude 56 degrees north there is a hiatus, and he thereupon goes about to find a way to dispense with that hiatus. He is so much engrossed by the fact that he has found a way to reach the parallel of 56 degrees by water that he has omitted to observe that by this process he has created a new hiatus. It is not conceivable that he regards the "crest of the mountains" as situated in the channel of Burroughs Bay, where he terminates his water-line. But his new line provides no way for getting to the "crest of the mountains" from the water, so his argument, all other points being waived temporarily, is as "palpably erroneous," and for the same reason, as the construction it was intended to overthrow.

Of course the historical argument, as detailed in my "memorandum," renders any further attention to the present hypothesis unnecessary; but it may not be undesirable to point out that the treaty contemplated that the "line of demarcation" should pass through one channel, passage, or named body of water. The new hypothesis carries it through three, which were named by Vancouver; *i. e.*, Clarence Strait, Behm Canal, and Burroughs Bay. There is no reason why this should have been done, as the line of 56 degrees north latitude can be reached through Clarence Strait with less divergence from a northerly course than by the route suggested, and, though the hiatus is bigger there, in principle it does not differ from a smaller one. Besides this, a little more territory would have been added to the hypothetical Canada by the direct northerly line. There are other routes which present advantages, and in fact if one has courage to repudiate explicit statements in the treaty there is hardly anything impossible to be made out of it.

10. The general's argument then proceeds to its third point, that is to say, the construction to be placed on the name Portland Channel. Here his argument, provided one admits that the treaty is to be construed by the text of Vancouver, is sound. He says:

Apart from the above contention of the British Columbian Government, it is at least certain that if the line of boundary was intended to follow Portland Channel, it was the channel so named by Vancouver, the lower part of which channel passes to the north of Wales and Pearse Islands of recent charts. The line has been erroneously shown on many maps as running to the south of these islands, along part of Observatory Inlet of Vancouver, in consequence of a confusion of nomenclature in the region, which it has been ascertained first occurred on an Admiralty chart published in 1853, and which has thereafter been followed and copied on other charts and maps.

This matter has already been discussed in my "Memorandum." The answer to the contention is that we must construe the treaty, not by the details of Vancouver's text, which were insufficiently represented on his chart, but by the facts which the negotiators supposed they had before them in his charts and the subsequent usage of geographers. The sticklers for the adoption of the ideas found in Vancouver's text may safely be challenged to find a single map or chart published before 1860 in which the name of Portland Canal or Channel is applied to the waters behind Pearse and Wales Islands. Unless they can find a majority of the charts and maps expressing that view it may be safely denied that those waters are or have been, at any time, to geographers "known as Portland Channel." Even the official maps published in 1884 under the direction of the Hon. W. Smithe, chief commissioner of lands and works for British Columbia, and on which General Cameron's new boundary line is inserted, still retain the names of Portland Canal and Observatory Inlet in the places where Vancouver charted them and where they have by the common consent of cartographers ever since remained.

No. 7.

Convention between the United States of America and His Majesty the Emperor of all the Russias, relative to navigating, fishing, etc., in the Pacific Ocean.

[Concluded April 17, 1824; ratifications exchanged January 11, 1825; proclaimed January 12, 1825.]

[Original.]

Au nom de la très Sainte et Indivisible Trinité.

Le Président des Etats Unis d'Amérique, et Sa Majesté l'Empereur de toutes les Russies, voulant cimenter les liens d'amitié qui les unissent, et assurer entre eux le maintien invariable d'un parfait accord, moyennant la présente Convention, ont nommé pour leurs Plénipotentiaires à cet effet, savoir: Le Président des Etats Unis d'Amérique, le Sieur HENRY MIDDLETON, citoyen des dits Etats, et leur Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Impériale: et Sa Majesté l'Empereur de toutes les Russies, ses amés et féaux les Sieurs CHARLES ROBERT Comte de NESSELRODE, Conseiller Privé actuel, Membre du Conseil d'Etat, Secrétaire d'Etat Dirigeant le Ministère des affaires étrangères, Chambellan actuel, Chevalier de l'ordre de St.

[Translation.]

In the name of the most holy and indivisible Trinity.

The President of the United States of America, and His Majesty the Emperor of all the Russias, wishing to cement the bonds of amity which unite them and to secure between them the invariable maintenance of a perfect concord, by means of the present Convention, have named as their Plenipotentiaries to this effect, to wit: The President of the United States of America, HENRY MIDDLETON, a citizen of said States, and their Envoy Extraordinary and Minister Plenipotentiary near his Imperial Majesty: and His Majesty the Emperor of all the Russias, his beloved and faithful CHARLES ROBERT Count of NESSELRODE, actual Privy Counsellor, Member of the Council of State, Secretary of State directing the administration of Foreign Affairs, actual

Alexandre Nevsky, Grand Croix de l'ordre de St. Wladimir de la 1re classe, Chevalier de celui de l'aigle blanc de Pologne, Grand Croix de l'ordre de St. Etienne d'Hongrie, Chevalier des ordres du St. Esprit et de St. Michel et Grand Croix de celui de la Légion d'Honneur de France, Chevalier Grand Croix des ordres de l'aigle noir et de l'aigle rouge de Prusse, de l'annonciade de Sardaigne, de Charles III d'Espagne, de St. Ferdinand et du mérite de Naples, de l'Eléphant de Danemarc, de l'Etoile Polaire de Suède, de la Couronne de Wurtemberg, des Guelphes de Hanovre, du Lion Belge, de la Fidélité de Bade, et de St. Constantin de Parme: et PIERRE de POLETICA, Conseiller d'Etat actuel, Chevalier de l'ordre de St. Anne de la 1re classe et Grand Croix de l'ordre de St. Wladimir de la seconde; lesquels après avoir échangé leurs pleins-pouvoirs, trouvés en bonne et due forme, ont arrêté et signé les stipulations suivantes.

ARTICLE PREMIER.

Il est convenu que dans aucune partie du grand océan, appelé communément Océan Pacifique ou Mer du Sud, les citoyens ou sujets respectifs des hautes puissances contractantes ne seront ni troublés, ni gênés, soit dans la navigation, soit dans l'exploitation de la pêche, soit dans la faculté d'aborder aux côtes sur des points qui ne seroient pas déjà occupés, afin d'y faire le commerce avec les indigènes, sauf toutefois les restrictions et conditions déterminées par les articles qui suivent.

ARTICLE DEUXIÈME.

Dans la vue d'empêcher que les droits de navigation et de pêche exercés sur le grand océan par les citoyens et sujets des hautes puissances contractantes ne deviennent le prétexte d'un commerce illicite, il est convenu, que les citoyens des Etats Unis n'aborderont à aucun

Chamberlain, Knight of the order of St. Alexander Nevsky, Grand Cross of the order of St. Wladimir of the first class, Knight of that of the White Eagle of Poland, Grand Cross of the order of St. Stephen of Hungary, Knight of the orders of the Holy Ghost and of St. Michael, and Grand Cross of the Legion of Honor of France, Knight Grand Cross of the orders of the Black and of the Red Eagle of Prussia, of the Annunciation of Sardinia, of Charles III. of Spain, of St. Ferdinand and of Merit of Naples, of the Elephant of Denmark, of the Polar Star of Sweden, of the Crown of Wirtemberg, of the Guelphs of Hanover, of the Belgic Lion, of Fidelity of Baden, and of St. Constantine of Parma, and PIERRE de POLETICA, actual Counsellor of State, Knight of the order of St. Anne of the first class, and Grand Cross of the order of St. Wladimir of the second; who, after having exchanged their full powers, found in good and due form, have agreed upon, and signed, the following stipulations.

ARTICLE FIRST.

It is agreed, that, in any part of the Great Ocean, commonly called the Pacific Ocean or South Sea, the respective citizens or subjects of the high contracting powers shall be neither disturbed nor restrained either in navigation, or in fishing, or in the power of resorting to the coasts upon points which may not already have been occupied, for the purpose of trading with the natives, saving always the restrictions and conditions determined by the following articles.

ARTICLE SECOND.

With the view of preventing the rights of navigation and of fishing, exercised upon the great ocean by the citizens and subjects of the high contracting powers, from becoming the pretext for an illicit trade, it is agreed, that the citizens of the United States shall not re-

point où il se trouve un établissement Russe, sans la permission du Gouverneur ou Commandant; et que réciproquement les sujets Russes ne pourront aborder sans permission à aucun établissement des Etats-Unis sur la Côte nord ouest.

ARTICLE TROISIÈME.

Il est convenu en outre, que dorénavant il ne pourra être formé par les citoyens des Etats-Unis, ou sous l'autorité des dits Etats, aucun établissement sur la Côte nord ouest d'Amérique, ni dans aucune des îles adjacentes *au nord* du cinquante quatrième degré et quarante minutes de latitude septentrionale; et que de même il n'en pourra être formé aucun par des sujets Russes, ou sous l'autorité de la Russie, *au sud* de la même parallèle.

ARTICLE QUATRIÈME.

Il est néanmoins entendu que pendant un terme de dix années à compter de la signature de la présente Convention, les vaisseaux de deux Puissances, ou qui appartiendroient à leurs citoyens ou sujets respectifs, pourront réciproquement fréquenter sans entrave quelconque, les mers intérieures, les golfes hâvres et criques sur la côte mentionnée dans l'article précédent, afin d'y faire la pêche et le commerce avec les naturels du pays.

ARTICLE CINQUIÈME.

Sont toutefois exceptées de ce même commerce accordé par l'article précédent, toutes les liqueurs spiritueuses, les armes à feu, armes blanches, poudre et munitions de guerre de toute espèce, que les deux Puissances s'engagent réciproquement à ne pas vendre, ni laisser vendre aux Indigènes par leurs citoyens et sujets respectifs, ni par aucun individu qui se trouveroit sous leur autorité. Il est également stipulé que cette restriction ne pourra jamais servir de prétexte, ni être alléguée dans aucun cas, pour autoriser soit la

sort to any point where there is a Russian establishment, without the permission of the governor or commander; and that, reciprocally, the subjects of Russia shall not resort, without permission, to any establishment of the United States upon the Northwest Coast.

ARTICLE THIRD.

It is moreover agreed, that hereafter there shall not be formed by the citizens of the United States, or under the authority of the said States, any establishment upon the Northwest Coast of America, nor in any of the Islands adjacent, *to the north* of fifty-four degrees and forty minutes of north latitude; and that, in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, *south* of the same parallel.

ARTICLE FOURTH.

It is nevertheless understood that during a term of ten years, counting from the signature of the present convention, the ships of both powers, or which belong to their citizens or subjects respectively, may reciprocally frequent without any hindrance whatever, the interior seas, gulphs, harbours, and creeks upon the coast mentioned in the preceding article, for the purpose of fishing and trading with the natives of the country.

ARTICLE FIFTH.

All spirituous liquors, fire-arms, other arms, powder and munitions of war of every kind, are always excepted from this same commerce permitted by the preceding article, and the two powers engage, reciprocally, neither to sell, nor suffer them to be sold to the natives by their respective citizens and subjects, nor by any person who may be under their authority. It is likewise stipulated that this restriction shall never afford a pretext, nor be advanced, in any case, to authorize either search or detention of the vessels, seizure of the

visite ou la détention des Vaisseaux, soit la saisie de la marchandise, soit enfin des mesures quelconques de contrainte envers les armateurs ou les équipages qui feroient ce commerce; les hautes Puissances contractantes s'étant réciproquement réserve de statuer sur les peines à encourir, et d'infliger les amendes encourues en cas de contravention à cet article, par leurs citoyens ou sujets respectifs.

merchandise, or, in fine, any measures of constraint whatever towards the merchants or the crews who may carry on this commerce; the high contracting Powers reciprocally reserving to themselves to determine upon the penalties to be incurred, and to inflict the punishments, in case of the contravention of this article, by their respective citizens or subjects.

ARTICLE SIXIÈME.

Lorsque cette Convention aura été duement ratifiée par le Président des Etats Unis de l'avis et du consentement du Sénat, d'une part, et de l'autre par Sa Majesté l'Empereur de toutes les Russies, les ratifications en seront échangées à Washington dans le délai de dix mois de la date ci-dessous ou plutôt si faire se peut. En foi de quoi les Plénipotentiaires respectifs l'ont signée, et y ont fait apposer les cachets de leurs armes.

Fait à St. Pétersbourg le $\frac{17}{5}$ Avril de l'an de grâce mil huit cent vingt quatre.

HENRY MIDDLETON. [L. S.]
Le Comte
CHARLES DE NESSELRODE. [L. S.]
PIERRE DE POLETICA. [L. S.]

ARTICLE SIXTH.

When this Convention shall have been duly ratified by the President of the United States, with the advice and consent of the Senate on the one part, and on the other by his Majesty the Emperor of all the Russias, the ratifications shall be exchanged at Washington in the space of ten months from the date below, or sooner if possible. In faith whereof the respective Plenipotentiaries have signed this Convention, and thereto affixed the seals of their arms.

Done at St. Petersburg, the $\frac{17}{5}$ April of the year of Grace one thousand eight hundred and twenty-four.

HENRY MIDDLETON.
Le Comte
CHARLES DE NESSELRODE.
PIERRE DE POLETICA.

No. 8.

Convention between Great Britain and Russia.

[Signed at St. Petersburgh February $\frac{28}{16}$, 1825; presented to Parliament May 16, 1825.]

In the Name of the Most Holy and Undivided Trinity.

[Translation.]

His Majesty The King of the United Kingdom of Great Britain and Ireland, and His Majesty The Emperor of all the Russias, being desirous of drawing still closer the Ties of good Understanding and

Au Nom de la Très Sainte et Indivisible Trinité.

Sa Majesté le Roi du Royaume Uni de La Grande Bretagne et de l'Irlande, et Sa Majesté l'Empereur de toutes les Russies, désirant resserrer les liens de bonne intelligence et d'amitié qui les unissent,

Friendship which unite them, by means of an Agreement which may settle, upon a basis of reciprocal convenience, different points connected with the Commerce, Navigation, and Fisheries of their Subjects on the Pacific Ocean, as well as the limits of their respective Possessions on the North West Coast of America, have named Plenipotentiaries to conclude a Convention for this purpose, that is to say:—His Majesty The King of the United Kingdom of Great Britain and Ireland, The Right Honourable Stratford Canning, a Member of His said Majesty's Most Honourable Privy Council, &c., and His Majesty The Emperor of all the Russias, The Sieur Charles Robert Count de Nesselrode, His Imperial Majesty's Privy Councillor, a Member of the Council of the Empire, Secretary of State for the Department of Foreign Affairs, &c., and the Sieur Pierre de Poletica, His Imperial Majesty's Councillor of State, &c., Who, after having communicated to each other their respective Full Powers, found in good and due form, have agreed upon and signed the following Articles:

I. It is agreed that the respective Subjects of the High Contracting Parties shall not be troubled or molested, in any part of the Ocean, commonly called the Pacific Ocean, either in navigating the same, in fishing therein, or in landing at such Parts of the Coast as shall not have been already occupied, in order to trade with the Natives, under the restrictions and conditions specified in the following Articles.

II. In order to prevent the Right of navigating and fishing, exercised upon the Ocean by the Subjects of The High Contracting Parties, from becoming the Pretext for an illicit Commerce, it is agreed that the Subjects of His Britannic Majesty shall not land at any Place where there may be a Russian Establish-

au moyen d'un accord qui régleroit, d'après le principe des convenances réciproques, divers points relatifs au Commerce, à la Navigation, et aux Pêcheries de leurs Sujets sur l'Océan Pacifique, ainsi que les limites de leurs Possessions respectives sur la Côte Nord Ouest de l'Amérique, ont nommé des Plénipotentiaires pour conclure une Convention à cet effet, savoir:—Sa Majesté le Roi du Royaume Uni de La Grande Bretagne et de l'Irlande, le Très Honorable Stratford Canning, Conseiller de Sa Majesté en Son Conseil Privé, &c. Et Sa Majesté l'Empereur de toutes les Russies, le Sieur Charles Robert Comte de Nesselrode, Son Conseiller Privé actuel, Membre du Conseil de l'Empire, Secrétaire d'Etat dirigeant le Ministère des Affaires Etrangères, &c.; et le Sieur Pierre de Poletica, Son Conseiller d'Etat actuel, &c. Lesquels Plénipotentiaires, après s'être communiqué leurs Plein-pouvoirs respectifs, trouvés en bonne et due forme, ont arrêté et signé les Articles suivans:—

I. Il est convenu que dans aucune partie du Grand Océan, appelé communément Océan Pacifique, les Sujets respectifs des Hautes Puissances Contractantes ne seront ni troublés, ni gênés, soit dans la navigation, soit dans l'exploitation de la pêche, soit dans la faculté d'aborder aux côtes, sur des Points qui ne seroient pas déjà occupés, afin d'y faire le commerce avec les Indigènes, sauf toutefois les restrictions et conditions déterminées par les Articles qui suivent.

II. Dans la vue d'empêcher que les droits de navigation et de pêche exercés sur le Grand Océan par les Sujets des Hautes Parties Contractantes, ne deviennent le prétexte d'un commerce illicite, il est convenu que les Sujets de Sa Majesté Britannique n'aborderont à aucun Point où il se trouve un Etablisse-

ment, without the permission of the Governor or Commandant; and, on the other hand, that Russian Subjects shall not land, without permission, at any British Establishment on the North-West Coast.

III. The line of demarcation between the Possessions of the High Contracting Parties, upon the Coast of the Continent, and the Islands of America to the North-West, shall be drawn in the following manner:—

Commencing from the Southernmost Point of the Island called *Prince of Wales Island*, which Point lies in the parallel of 54 Degrees 40 Minutes, North Latitude, and between the 131st and 133d Degree of West Longitude (Meridian of Greenwich), the said line shall ascend to the North along the Channel called *Portland Channel*, as far as the Point of the Continent where it strikes the 56th Degree of North Latitude; from this last mentioned Point the line of demarcation shall follow the summit of the mountains situated parallel to the Coast, as far as the point of intersection of the 141st Degree of West Longitude (of the same Meridian); and, finally, from the said point of intersection, the said Meridian Line of the 141st Degree, in its prolongation as far as the Frozen Ocean, shall form the limit between the Russian and British Possessions on the Continent of America to the North West.

IV. With reference to the line of demarcation laid down in the preceding Article it is understood;

1st. That the Island called *Prince of Wales* Island shall belong wholly to Russia.

2d. That wherever the summit of the mountains which extend in a direction parallel to the Coast, from the 56th degree of north Latitude to the point of intersection of the 141st degree of West Longitude, shall prove to be at the distance of more than ten marine leagues from the Ocean, the limit

ment Russe, sans la permission du Gouverneur ou Commandant, et que, réciproquement, les Sujets Russes ne pourront aborder, sans permission, à aucun Etablissement Britannique, sur la Côte Nord Ouest.

III. La ligne de démarcation entre les Possessions des Hautes Parties Contractantes sur la Côte du Continent et les Iles de l'Amérique Nord Ouest, sera tracée ainsi qu'il suit:—

A partir du Point le plus méridional de l'Ile dite *Prince of Wales*, lequel Point se trouve sous la parallèle du 54me degré 40 minutes de latitude Nord, et entre le 131me et le 133me degré de longitude Ouest (Méridien de Greenwich), la dite ligne remontera au Nord le long de la passe dite *Portland Channel*, jusqu'au Point de la terre ferme où elle atteint le 56me degré de latitude Nord: de ce dernier point la ligne de démarcation suivra la crête des montagnes situées parallèlement à la Côte, jusqu'au point d'intersection du 141me degré de longitude Ouest (même Méridien); et, finalement, du dit point d'intersection, la même ligne méridienne du 141me degré formera, dans son prolongement jusqu'à la mer Glaciale, la limite entre les Possessions Russes et Britanniques sur le Continent de l'Amérique Nord Ouest.

IV. Il est entendu, par rapport à la ligne de démarcation déterminée dans l'Article précédent:

1°. Que l'île dite *Prince of Wales* appartiendra toute entière à La Russie:

2°. Que partout où la crête des montagnes qui s'étendent dans une direction parallèle à la Côte depuis le 56me degré de latitude Nord au point d'intersection du 141me degré de longitude Ouest, se trouveroit à la distance de plus de dix lieues marines de l'Océan, la limite entre les Possessions Britanniques

between the British Possessions and the line of Coast which is to belong to Russia, as above-mentioned, shall be formed by a line parallel to the windings of the Coast, and which shall never exceed the distance of ten marine leagues therefrom.

V. It is moreover agreed, that no Establishment shall be formed by either of the Two Parties within the limits assigned by the two preceding Articles to the Possessions of the Other: consequently, British Subjects shall not form any Establishment either upon the Coast, or upon the border of the Continent comprised within the limits of the Russian Possessions, as designated in the two preceding Articles; and, in like manner, no Establishment shall be formed by Russian Subjects beyond the said limits.

VI. It is understood that the Subjects of His Britannic Majesty, from whatever Quarter they may arrive, whether from the Ocean, or from the interior of the Continent, shall for ever enjoy the right of navigating freely, and without any hindrance whatever, all the rivers and streams which, in their course towards the Pacific Ocean, may cross the line of demarcation upon the line of coast described in Article 3 of the present Convention.

VII. It is also understood, that, for the space of ten Years from the signature of the present Convention, the Vessels of the Two Powers, or those belonging to their respective Subjects, shall mutually be at liberty to frequent, without any hindrance whatever, all the inland Seas, the Gulfs, Havens, and Creeks on the Coast mentioned in Article 3 for the purposes of fishing and of trading with the Natives.

VIII. The port of Sitka, or Novo Archangelsk, shall be open to the Commerce and Vessels of British Subjects for the space of ten Years from the date of the exchange of the Ratifications of the present

et la lisière de Côte mentionnée ci-dessus comme devant appartenir à La Russie, sera formée par une ligne parallèle aux sinuosités de la Côte, et qui ne pourra jamais en être éloignée que de dix lieues marines.

V. Il est convenu en outre, que nul Etablissement ne sera formé par l'une des deux Parties dans les limites que les deux Articles précédens assignent aux Possessions de l'Autre. En conséquence, les Sujets Britanniques ne formeront aucun Etablissement soit sur la côte, soit sur la lisière de terre ferme comprise dans les limites des Possessions Russes, telles qu'elles sont désignées dans les deux Articles précédens; et, de même, nul Etablissement ne sera formé par des Sujets Russes au delà des dites limites.

VI. Il est entendu que les Sujets de Sa Majesté Britannique, de quelque Côté qu'ils arrivent, soit de l'Océan, soit de l'intérieur du Continent, jouiront à perpétuité du droit de naviguer librement, et sans entrave quelconque, sur tous les fleuves et rivières, qui, dans leurs cours vers la mer Pacifique, traverseront la ligne de démarcation sur la lisière de la Côte indiquée dans l'Article 3 de la présente Convention.

VII. Il est aussi entendu que, pendant l'espace de dix Ans, à dater de la signature de cette Convention, les Vaisseaux des deux Puissances, ou ceux appartenans à leurs Sujets respectifs, pourront réciproquement fréquenter, sans entrave quelconque, toutes les Mers intérieures, les Golfes, Havres, et Criques sur la Côte mentionnée dans l'Article 3 afin d'y faire la pêche et le commerce avec les Indigènes.

VIII. Le Port de Sitka, ou Novo Archangelsk, sera ouvert au Commerce et aux Vaisseaux des Sujets Britanniques durant l'espace de dix ans, à dater de l'échange des Ratifications de cette Convention.

Convention. In the event of an extension of this term of ten years being granted to any other Power, the like extension shall be granted also to Great Britain.

IX. The above-mentioned liberty of Commerce shall not apply to the trade in spirituous liquors, in firearms, or other arms, gunpowder or other warlike stores; the High Contracting Parties reciprocally engaging not to permit the above-mentioned articles to be sold or delivered, in any manner whatever, to the Natives of the Country.

X. Every British or Russian Vessel navigating the Pacific Ocean, which may be compelled by storms or by accident, to take shelter in the Ports of the respective parties, shall be at liberty to refit therein, to provide itself with all necessary stores, and to put to sea again, without paying any other than Port and Light-house dues, which shall be the same as those paid by National Vessels. In case, however, the Master of such Vessel should be under the necessity of disposing of a part of his merchandise in order to defray his expenses, he shall conform himself to the Regulations and Tariffs of the Place where he may have landed.

XI. In every case of complaint on account of an infraction of the Articles of the present Convention, the Civil and Military Authorities of The High Contracting Parties, without previously acting or taking any forcible measure, shall make an exact and circumstantial Report of the matter to their respective Courts, who engage to settle the same in a friendly manner, and according to the principles of justice.

XII. The present Convention shall be ratified, and the Ratifications shall be exchanged at London within the space of six weeks, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed

Au cas qu'une prolongation de ce terme de dix ans soit accordée à quelque autre Puissance, la même prolongation sera également accordée à La Grande Bretagne.

IX. La susdite liberté de commerce ne s'appliquera point au trafic des liqueurs spiritueuses, des armes à feu, des armes blanches, de la poudre à canon, ou d'autres munitions de guerre; les Hautes Parties Contractantes s'engageant réciproquement à ne laisser ni vendre, ni livrer, de quelque manière que ce puisse être, aux Indigènes du pays, les articles ci-dessus mentionnés.

X. Tout Vaisseau Britannique ou Russe naviguant sur l'Océan Pacifique, qui sera forcé par des tempêtes, ou par quelque accident, de se réfugier dans les Ports des Parties respectives, aura la liberté de s'y radouber, de s'y pourvoir de tous les objets qui lui seront nécessaires, et de se remettre en mer, sans payer d'autres Droits que ceux de Port et de Fanaux, lesquels seront pour lui les mêmes que pour les Bâtimens Nationaux. Si, cependant, le Patron d'un tel navire se trouvoit dans la nécessité, de se défaire d'une partie de ses marchandises pour subvenir à ses dépenses, il sera tenu de se conformer aux Ordonnances et aux Tarifs de l'Endroit où il aura abordé.

XI. Dans tous les cas de plaintes rélatives à l'infraction des Articles de la présente Convention, les Autorités Civiles et Militaires des deux Hautes Parties Contractantes, sans se permettre au préalable ni voie de fait, ni mesure de force, seront tenues de faire un rapport exact de l'affaire et de ses circonstances à leurs Cours respectives, lesquelles s'engagent à la régler à l'amiable, et d'après les principes d'une parfaite justice.

XII. La présente Convention sera ratifiée, et les Ratifications en seront échangées à Londres, dans l'espace de six semaines, ou plutôt si faire se peut.

En Foi de quoi les Plénipotentiaires respectifs l'ont signée, et

the same, and have affixed thereto the Seal of their Arms.

Done at St. Petersburgh, the Twenty eighth (Sixteenth) Day of February, in the Year of our Lord One Thousand Eight Hundred and Twenty-five.

[L. S.] STRATFORD CANNING.
[L. S.] The Count de NESSELRODE.
[L. S.] PIERRE DE POLETICA.

y ont apposé le Cachet de leurs Armes.

Fait à St. Pétersbourg, le Vingt huit (Seize) Février, de l'an de Grace mil huit cent vingt-cinq.

[L. S.] STRATFORD CANNING.
[L. S.] Le Comte de NESSELRODE.
[L. S.] PIERRE DE POLETICA.

No. 9.

Treaty concerning the cession of the Russian Possessions in North America by His Majesty the Emperor of all the Russias to the United States of America.

[Concluded March 30, 1867; ratifications exchanged June 20, 1867; proclaimed June 20, 1867.]

The United States of America and His Majesty the Emperor of all the Russias, being desirous of strengthening, if possible, the good understanding which exists between them, have, for that purpose, appointed as their Plenipotentiaries: The President of the United States, William H. Seward, Secretary of State; and His Majesty the Emperor of all the Russias, the Privy Counsellor Edward de Stoeckl, his Envoy Extraordinary and Minister Plenipotentiary to the United States.

And the said Plenipotentiaries, having exchanged their full powers, which were found to be in due form, have agreed upon and signed the following articles:

Sa Majesté l'Empereur de toutes les Russies et les Etats-Unis d'Amérique, désirant raffermir, s'il est possible, la bonne intelligence qui existe entre eux, ont nomme, à cet effet, pour leurs plénipotentiaires, savoir; Sa Majesté l'Empereur de toutes les Russies, le Conseiller Privé Edouard de Stoeckl, son envoyé extraordinaire et ministre plénipotentiaire aux Etats-Unis; et le Président des Etats-Unis, le Sieur William H. Seward, Secrétaire d'Etat, lesquels, après avoir échangé leur pleins pouvoirs, trouvés en bonne et due forme, ont arrêté et signé les articles suivants:

ARTICLE I.

His Majesty the Emperor of all the Russias agrees to cede to the United States, by this convention, immediately upon the exchange of the ratifications thereof, all the territory and dominion now possessed by his said Majesty on the continent of America and in the adjacent islands, the same being contained within the geographical limits herein set forth, to wit: The eastern limit is the line of demarcation between the Russian and the

ARTICLE I.

Sa Majesté l'Empereur de toutes les Russies S'engage, par cette convention, à céder aux Etats-Unis, immédiatement après l'échange des ratifications, tout le Territoire avec droit de souveraineté actuellement possédé par Sa Majesté sur le continent d'Amérique ainsi que les îles conti ;ües, le dit Territoire étant compris dans les limites géographiques ci-dessous indiquées; savoir: la limite orientale est la ligne de démarcation entre les possessions

British possessions in North America, as established by the convention between Russia and Great Britain, of February 28–16, 1825, and described in Articles III and IV of said convention, in the following terms:

"Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54 degrees 40 minutes north latitude, and between the 131st and the 133d degree of west longitude, (meridian of Greenwich,) the said line shall ascend to the north along the channel called Portland channel, as far as the point of the continent where it strikes the 56th degree of north latitude; from this last-mentioned point, the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude, (of the same meridian;) and finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen ocean.

"IV. With reference to the line of demarcation laid down in the preceding article, it is understood—

"1st. That the island called Prince of Wales Island shall belong wholly to Russia," (now, by this cession, to the United States.)

"2d. That whenever the summit of the mountains which extend in a direction parallel to the coast from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude shall prove to be at the distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia as above mentioned (that is to say, the limit to the possessions ceded by this convention) shall be formed by a line parallel to the winding of the coast,

Russes et Britanniques dans l'Amérique du Nord, ainsi qu'elle est établie par la convention, conclue entre la Russie et la Grande-Bretagne, le $\frac{16}{28}$ février 1825, et définie dans les termes suivants des articles III et IV de la dite convention:

"A partir du point le plus méridional de l'Ile dite Prince of Wales, lequel point se trouve sous la parallèle du 54me degré 40 minutes de latitude nord, et entre le 131me et le 133me degré de longitude ouest (méridien de Greenwich) la dite ligne remontera, au Nord le long de la passe dite Portland Channel, jusqu'au point de la terre ferme où elle atteint le 56me degré de latitude nord; de ce dernier point la ligne de démarcation suivra la crête des montagnes situées parallèlement à la côte jusqu'au point d'intersection du 141me degré de longitude ouest (même méridien), et finalement, du dit point d'intersection la même ligne méridienne du 141me degré formera, dans son prolongement jusqu'à la mer Glaciale, la limite entre les possessions Russes et Britanniques sur le continent de l'Amérique nord-ouest.

"IV. Il est entendu, par rapport à la ligne de démarcation déterminée dans l'article précédent:

"1°. Que l'île dite Prince of Wales, appartiendra toute entière à la Russie;" (mais dès ce jour en vertu de cette cession aux Etats-Unis.)

"2°. Que partout où la crête des montagnes qui s'étendent dans une direction parallèle à la côte, depuis le 56me degré de latitude nord au point d'intersection du 141me degré de longitude ouest se trouverait à la distance de plus de dix lieues marines de l'océan, la limite entre les possessions Britanniques et la lisière de côte mentionnée ci-dessus comme devant appartenir à la Russie" (c'est-à-dire la limite des possessions cédées par cette convention:) "cera formée par une ligne parallèle aux sinuosités de la côte et qui ne pourra jamais en être

and which shall never exceed the distance of ten marine leagues therefrom."

The western limit within which the territories and dominion conveyed, are contained, passes through a point in Behring's straits on the parallel of sixty-five degrees thirty minutes north latitude, at its intersection by the meridian which passes midway between the islands of Krusenstern, or Ignalook, and the island of Ratmanoff, or Noonarbook, and proceeds due north, without limitation, into the same Frozen ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly southwest, through Behring's straits and Behring's sea, so as to pass midway between the northwest point of the island of St. Lawrence and the southeast point of Cape Choukotski, to the meridian of one hundred and seventy-two west longitude; thence, from the intersection of that meridian, in a southwesterly direction, so as to pass midway between the island of Atton and the Copper island of the Kormandorski couplet or group in the North Pacific ocean, to the meridian of one hundred and ninety-three degrees west longitude, so as to include in the territory conveyed the whole of the Aleutian islands east of that meridian.

ARTICLE II.

In the cession of territory and dominion made by the preceding article, are included the right of property in all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices which are not private individual property. It is, however, understood and agreed, that the churches which have been built in the ceded territory by the Russian government, shall remain the property of such members of the Greek Oriental Church resident in the territory, as may choose to worship therein. Any government archives, papers, and documents

éloignée que de dix lieues marines."

La limite occidentale des territoires cédés passe par un point au détroit de Behring sous la parallèle du soixante cinquieme degré trente minutes de latitude Nord à son intersection par le méridien qui sépare à distance égale les iles Krusenstern ou Ignalook et l'île Ratmanoff ou Noonarbook et remonte en ligne directe, sans limitation, vers le Nord, jusqu'à ce qu'elle se perde dans la mer Glaciale. Commençant au même point de départ, cette limite occidentale suit de là un cours presque Sudouest, a travers le détroit de Behring et la mer de Behring, de manière à passer à distance égale entre le point Nordouest de l'île Saint Laurent et le point Sudest du cap Choukotski jusqu'au méridien cent soixante douzième de longitude Ouest; de ce point, à partir de l'intersection de ce méridien, cette limite suit une direction Sudouest de manière à passer à distance égale entre l'île d'Atton et l'île Copper du groupe d'ilôts Kormandorski dans l'océan Pacifique Septentrional jusqu'au méridien de cent quatre-vingt-treize degrés de longitude Ouest, de manière à enclaver, dans le Territoire cédé toutes les îles Aléoutes situées à l'est de ce méridien.

ARTICLE II.

Dans le Territoire cédé, par l'article précédent à la Souveraineté des Etats-Unis sont compris le droit de propriété sur tous les terrains et places publics, terres inoccupées, toutes les constructions publiques, fortifications, casernes et autres édifices qui ne sont pas propriété privée individuelle. Il est toutefois entendu et convenue que les églises construites par le Gouvernement Russe sur le Territoire cédé resteront la propriété des membres de l'Eglise Grecque Orientale résidant dans ce Territoire et appartenant à ce culte. Tous les archives papiers et documents du

relative to the territory and dominion aforesaid, which may be now existing there, will be left in the possession of the agent of the United States; but an authenticated copy of such of them as may be required, will be, at all times, given by the United States to the Russian government, or to such Russian officers or subjects, as they may apply for.

ARTICLE III.

The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property and religion. The uncivilized tribes will be subject to such laws and regulations as the United States may, from time to time, adopt in regard to aboriginal tribes of that country.

ARTICLE IV.

His Majesty the Emperor of all the Russias shall appoint, with convenient despatch, an agent or agents for the purpose of formally delivering to a similar agent or agents appointed on behalf of the United States, the territory, dominion, property, dependencies and appurtenances which are ceded above, and for doing any other act which may be necessary in regard thereto. But the cession, with the right of immediate possession, is nevertheless to be deemed complete and absolute on the exchange of ratifications, without waiting for such formal delivery.

ARTICLE V.

Immediately after the exchange of the ratifications of this convention, any fortifications or military posts which may be in the ceded

Gouvernement ayant trait au susdit Territoire et qui y sont maintenant déposés seront placés entre les mains de l'agent des Etats-Unis; mais les Etats-Unis fourniront toujours quand il y aura lieu, des copies légalisées de ces documents au Gouvernement Russe, aux officiers ou sujets Russes qui pourront en faire la demande.

ARTICLE III.

Il est réservé aux habitans du Territoire cédé le choix de garder leur nationalité et de rentrer en Russie dans l'espace de trois ans; mais s'ils préfèrent rester dans le territoire cédé ils seront admis, à l'exception toutefois des tribus sauvages à jouir de tous les droits, avantages et immunités des citoyens des Etats-Unis et ils seront maintenus et protégés dans le plein exercise de leur liberté, droit de propriété et religion. Les tribus sauvages seront assujéties aux lois et réglements que les Etats-Unis pourront adopter de temps en temps à l'égard des tribus aborigènes de ce pays.

ARTICLE IV.

Sa Majesté l'Empereur de toutes les Russies nommera aussitôt que possible un agent ou des agents chargés de remettre formellement à l'agent ou aux agents nommés par les Etats-Unis, le territoire, la souveraineté, les propriétés, dépendances et appartenances ainsi cédés et de dresser tout autre acte qui sera nécessaire à l'accomplissement de cette transaction. Mais la cession, avec le droit de possession immédiate, doit toutefois être considérée complète et absolue à l'échange des ratifications sans attendre la remise formelle.

ARTICLE V.

Immédiatement après l'échange des ratifications de cette convention, les fortifications et les postes militaires qui se trouveront sur le

territory, shall be delivered to the agent of the United States, and any Russian troops which may be in the territory, shall be withdrawn as soon as may be reasonably and conveniently practicable.

ARTICLE VI.

In consideration of the cession aforesaid, the United States agree to pay at the Treasury in Washington, within ten months after the exchange of the ratifications of this convention, to the diplomatic representative or other agent of his Majesty the Emperor of all the Russias, duly authorized to receive the same, seven million two hundred thousand dollars in gold. The cession of territory and dominion herein made is hereby declared to be free and unincumbered by any reservations, privileges, franchises, grants, or possessions, by any associated companies, whether corporate or incorporate, Russian or any other, or by any parties, except merely private individual property holders; and the cession hereby made, conveys all the rights, franchises, and privileges now belonging to Russia in the said territory or dominion, and appurtenances thereto.

ARTICLE VII.

When this convention shall have been duly ratified by the President of the United States, by and with the advice and consent of the Senate, on the one part, and on the other by his Majesty the Emperor of all the Russias, the ratifications shall be exchanged at Washington within three months from the date hereof, or sooner, if possible.

In faith whereof, the respective plenipotentiaries have signed this convention, and thereto affixed the seals of their arms.

Done at Washington, the thirtieth day of March, in the year of our Lord one thousand eight hundred and sixty-seven.

[L. S.] WILLIAM H. SEWARD.
[L. S.] EDOUARD DE STOECKL.

territoire cédé seront remis à l'agent des Etats-Unis et les troupes Russes qui sont stationnées dans le dit Territoire, seront retirées dans un terme praticable et qui puisse convenir aux deux parties.

ARTICLE VI.

En considération de la susdite cession les Etats-Unis s'engagent à payer à la Trésorerie à Washington, dans le terme de dix mois après l'échange des ratifications de cette convention, sept millions deux cent mille de dollars en or, au Représentant diplomatique ou tout autre agent de Sa Majesté l'Empereur de toutes les Russies dûment autorisé à recevoir cette somme. La cession du territoire avec droit de souveraineté faite par cette convention, est déclarée libre et dégagée de toutes réservations, privilèges, franchises ou des possessions par des compagnies Russes ou tout autre légalement constituées ou autrement ou par des associations sauf simplement les propriétaires possédant des biens privés individuels et la cession ainsi faite transfère tous les droits, franchises et priviléges appartenant actuellement à la Russie dans le dit Territoire et ses dépendances.

ARTICLE VII.

Lorsque cette convention aura été dûment ratifiée par Sa Majesté l'Empereur de toutes les Russies d'une part et par le Président des Etats-Unis avec l'avis et le consentement du Sénat de l'autre, les ratifications en seront échangées à Washington dans le terme de trois mois, à compter du jour de la signature, ou plus tôt si faire se peut.

En foi de quoi les plénipotentiaires respectifs ont signé cette convention et y ont apposé le sceau de leur armes.

Fait à Washington le 18-30 jour de Mars de l'an de Notre Seigneur mil huit cent soixante sept.

[L. S.] EDOUARD DE STOECKL.
[L. S.] WILLIAM H. SEWARD.

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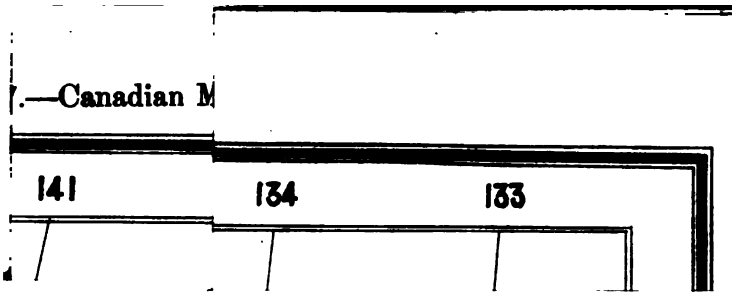
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